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# MONTANA LEGISLATIVE HISTORY

Chapter 95 Session L 1973
Bill House ____ Senate 32

History and final status sheet NA
Introduced bill NA
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Judiciary

Hearing date(s)* 2/16 2/19

Executive action (vote) date(s)* 2/19

Comm. Report NA

Floor 2nd reading & vote 2/20

Floor 3rd reading & vote 2/21

Senate Committee on Judiciary

Hearing date(s)* 1/3 1/15 1/16 1/22

Executive action (vote) date(s)* 1/22

Comm. Report NA

Floor 2nd reading & vote 1/27; 2/22

Floor 3rd reading & vote 1/30; 2/23

Conference or Free Conference Comm. ____ Yes X No

Hearing date(s)* _____

Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? ____ Yes X No

Committee _____ Report _____

NOTES: The Historical Society has no subcommittee minutes.

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Date: 4/1/21

225 N. Roberts Street
Helena, Montana 59601

# SENATE JOURNAL

OF THE

## First Regular and First Special Sessions

OF THE

# Forty-Third Legislative Assembly

OF THE

## STATE OF MONTANA

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**Held at Helena, the Seat of Government of Said State,
Commencing in Regular Session January 1, 1973 and
Ending March 10, 1973, and
Commencing in Special Session March 12, 1973, and
Ending March 24, 1973.**

Walter Marshall
John Hansen
Secretary of the Senate

Ellen Reed
Journal Clerk

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**PUBLISHED BY AUTHORITY**

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STATE PUBLISHING CO., HELENA, MONT.

| No. | Title of Bill | Page |
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| | repealing Sections 93-209, 93-220, and 93-309, R.C.M. 1947." | 7, 62, 109. |
| 27 | Introduced by Moore, Lynch, by request: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, and 93-309, R.C.M. 1947." | 7, 62, 108, 346. |
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| 30 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act to bring the qualifications of supreme court justices and district court judges in compliance with Article VII, Section 9 of the 1972 Montana Constitution, by raising the district court residency requirement from one (1) to two (2) years, providing for a five (5) year practice of law requirement and eliminating age requirements; amending Section 93-702, R.C.M. 1947, and repealing Section 93-701, R.C.M. 1947." | 8, 62, 70, 77, 89, 92, 104, 207, 290, 291, 313, 334. |
| 31 | Introduced by Lynch, Moore, by request: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members thereof in compliance with Article VII, Section 11 of the 1972 Montana Constitution." | 8, 62, 108. |
| 32 | Introduced by Lynch, Moore: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members in compliance with Article VII, Section 11 of the 1972 Montana Constitution." | 8, 62, 109, 202, 224, 229, 247, 640, 649, 658, 716, 717, 759, 855. |





| No. | Title of Bill | Page |
|---|---|---|
| 33 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act placing the name of the supreme court justices and district court judges on the ballot in uncontested elections to comply with Article VII, Section 8(2) of the 1972 Montana Constitution." | 8, 62, 70, 77, 89, 92, 104, 220, 224, HA-239, 307, 308, 323, 405. |
| 34 | Introduced by Lynch, Moore (by request): A bill for an act entitled: "An act amending Section 93-2906, R.C.M. 1947, to delete reference to the 1889 Montana Constitution; and to rearrange subsection (4) to be more readable." | 8, 49, 50, 55, 59, 61, 68, 109, 132, 142, 179. |
| 35 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act to consolidate all sections defining judicial districts into Section 93-301; amending Section 93-301, R.C.M. 1947, and repealing Sections 93-301.1, 93-301.2, 93-301.3 and 93-301.4, R.C.M. 1947." | 8, 62, 70, 77, 89, 92, 105, 266, 323, 324, 333, 405. |
| 36 | Introduced by Turnage, James: A bill for an act entitled: "An act to amend Sections 71-1716 and 71-1517, R.C.M. 1947, to include as persons eligible for medical assistance benefits persons who are not eligible for federal programs because of their income and to include medically needy children under twenty-one (21) years, including all children under twenty-one (21) who are in foster care; to provide further the order of priorities of distribution of the funds among these eligible." | 8, 62, 78, 83, 96, 98, 112, 314, 324, 333, 352. |
| 37 | Introduced by Carl: A bill for an act entitled: "An act to amend Section 3-806, R.C.M. 1947, to allow the Montana grain inspection laboratory, Bozeman, to contract with the Department of Agriculture to collect seed samples for analysis." | 8, 62, 115, 173, 254, 348. |
| 38 | Introduced by Lynch: A bill for an act entitled: "An act to amend Sections 40-4403, 53-418, 53-421, 53-428, 53-430 through 53-434, 53-438, and 53-448 through 53-450, R.C.M. 1947; to remove the requirements of the financial responsibility laws and to require personal and property protection motor vehicle insurance as a condition for registering a motor vehicle and obtaining an operator's or chauffeur's license; to provide for personal and property motor vehicle insurance with benefits payable on a first-party basis; to bar recovery for damage to motor vehicles in certain instances | |

VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, 93-309, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 30, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act to bring the qualifications of supreme court justices and district court judges in compliance with Article VII, Section 9 of the 1972 Montana Constitution, by raising the district court residency requirement from one (1) to two (2) years, providing for a five (5) year practice of law requirement and eliminating age requirements; amending Section 93-702, R.C.M. 1947, and repealing Section 93-701, R.C.M. 1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 31, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members thereof in compliance with Article VII, Section 11 of the 1972 Montana Constitution." Referred to Committee on Judiciary.

Senate Bill No. 32, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members in compliance with Article VII, Section 11 of the 1972 Montana Constitution." Referred to Committee on Judiciary.

Senate Bill No. 33, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act placing the name of the supreme court justices and district court judges on the ballot in uncontested elections to comply with Article VII, Section 8(2) of the 1972 Montana Constitution." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 34, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act amending Section 93-2906, R.C.M. 1947, to delete reference to the 1889 Montana Constitution; and to rearrange Subsection (4) to be more readable." Referred to Committee on Judiciary.

Senate Bill No. 35, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act to consolidate all Sections defining judicial districts into Section 93-301; amending Section 93-301, R.C.M. 1947, and repealing Sections 93-301.1, 93-301.2, 93-301.3, and 93-301.4, R.C.M. 1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 36, introduced by Turnage and James: A bill for an act entitled: "An act to amend Sections 71-1516 and 71-1517, R.C.M. 1947, to include as persons eligible for medical assistance benefits persons who are not eligible for federal programs because of their income and to include medically needy children under twenty-one (21) years, including all children under twenty-one (21) who are in foster care; to provide further the order of priorities of distribution of the funds among those eligible." Referred to Committee on Public Health, Welfare and Safety.

Senate Bill No. 37, introduced by Carl: A bill for an act entitled: "An act to amend Section 3-806, R.C.M. 1947, to allow the Montana grain inspection laboratory, Bozeman, to contract with the Department of Agriculture to collect seed samples for analysis." Referred to Committee on Agriculture, Livestock and Irrigation.

Senate Bill No. 38, introduced by Lynch: A bill for an act entitled: "An act to amend Sections 40-4403, 53-418, 53-421, 53-428, 53-430 through 53-434, 53-438, and 53-448 through 53-450, R.C. M. 1947; to remove the requirements of the financial responsibility laws and to require personal and property protection motor vehicle insurance as a condition for registering a motor vehicle and obtaining an operator's or chauffeur's license; to provide for personal and property protection motor vehicle insurance with benefits payable on a first-party basis; to bar recovery for damage to motor vehicles in certain instances; to repeal Sections 53-422 through 53-427, 53-435, 53-436, 53-439 through 53-447, 53-452 and 53-455, R.C.M. 1947; and to provide for an effective date." Referred to Committee on Judiciary.



Senate Bill No. 39, introduced by Lynch, Carl: A bill for an act entitled: "An act for a new Chapter in Title 40, R.C.M. 1947, providing for the regulation of nonprofit hospital, medical-surgical and health service organizations." Referred to Committee on Public Health, Welfare and Safety.

Senate Bill No. 40, introduced by Siderius and Deschamps: A bill for an act entitled: "An act for the codification and general revision of the laws relating to the Department of Fish and Game, and providing that this act is effective upon its passage and approval." Referred to Committee on Fish and Game.

Senate Bill No. 41, introduced by James: A bill for an act entitled: "An act establishing bluebunch wheatgrass as the official grass for the State of Montana." Referred to Committee on Agriculture, Livestock and Irrigation.

Senate Bill No. 42, introduced by James: A bill for an act entitled: "An act to amend Section 71-501, R.C.M. 1947, to allow aid to dependent children for a child up to the age of twenty-two (22) years, providing such child is attending school and to make the child of unemployed parents eligible for welfare benefits." Referred to Committee on Public Health, Welfare and Safety.

Senate Bill No. 43, introduced by Carl: A bill for an act entitled: "An act to amend Section 75-6808, R.C.M. 1947, to allow all classes of school districts to contract without letting bids for less than four thousand dollars ($4,000)." Referred to Committee on Education.

Senate Bill No. 44, introduced by Carl: A bill for an act entitled: "An act amending Section 3-512, R.C.M. 1947, to provide that the State Grain Laboratory at Great Falls be the only one authorized to test public warehouse grain and that the fee charged for testing on appeal be commensurate with the cost." Referred to Committee on Agriculture, Livestock and Irrigation.

Senate Bill No. 45, introduced by Hazelbaker: A bill for an act entitled: "An act to amend Section 43-901, R.C.M. 1947, to change the name of the 'Status of Proceedings' to the 'Daily Journal'; and providing an effective date." Referred to Committee on Bills and Journal.

Senate Bill No. 46, introduced by Carl: A bill for an act entitled: "An act to amend Sections 82-3314 and 82-3317, R.C.M. 1947, to require the Department of Administration to provide for the independent full-time inspection of Montana's public school and municipal construction projects." Referred to Committee on State Administration.

Senate Bill No. 47, introduced by Carl: A bill for an act entitled: "An act to amend Section 66-114, R.C.M. 1947, relating to the insurance coverage for architects on public buildings; and repealing Section 66-115, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 49, introduced by Carl: A bill for an act entitled: "An act to amend Sections 75-8203, 75-8206, 75-8207 and 75-8208, R.C.M. 1947, to centralize review of elementary and secondary school construction plans in the Department of Administration." Referred to Committee on State Administration.

Senate Bill No. 50, introduced by Hazelbaker: A bill for an act entitled: "An act to amend Section 82-2202, 82-2203, 82-2208, 82-2211 and 82-2212, R.C.M. 1947, to transfer the functions of the Secretary of State relating to printing and distribution of the House and Senate Journals and Session Laws to the Legislative Services Division of the Legislature

SENATE JUDICIARY COMMITTEE MEETING---January 3, 1973

The meeting was called to order by the Chairman, Senator McKeon. All members were present with the exception of Senator Gilfeather who was ill.

The committee discussed several bills:

SJR No. 1--Senator Harrison moved that the bill do pass. Senator Drake seconded the motion and the committee voted unanimously to recommend the bill DO PASS.

SJR No. 2--Senator Drake moved that the bill do pass. Sen. Boylan seconded the motion and the committee voted unanimously to recommend the bill DO PASS.

SJR No. 3--Sen. Harrison moved that the bill be amended by striking lines 5, 6, and 7 on Page 3. The motion was seconded by Sen. Hall and the committee voted unanimously to amend the bill. Sen. Harrison moved that the bill do pass as amended and the motion was seconded by Sen. Hall. The committee unanimously voted the bill DO PASS AS AMENDED.

SJR No. 4--Sen. Harrison moved that the bill do pass. Sen. Zody seconded the motion; and the committee unanmously recommended DO PASS.

SB No. 3--Sen. Drake moved the bill do pass. Sen. Harrison seconded the motion; and the committee unanimously recommended the bill DO PASS.

SB No. 4--Sen. Drake moved the bill do pass. Sen. Harrison seconded the motion. The committee unanimously recommended do pass. Senator Turnage moved that this bill be reconsidered for amendments. Sen. Moore seconded. The committee unanimously voted to reconsider. Sen. Turnage moved that the bill be amended on Page 2, Line 7 by striking the words "default of appearance or by" after the word "upon" and before the word "written" so that this section will read "Upon written consent of the parties..." Moore seconded this motion and the committee voted unanimously in favor of it. Sen. Turnage moved this bill do pass as amended; Sen. Moore seconded the motion; the committee unanimously agreed that the bill DO PASS AS AMENDED.

SB No. 6--The chairman decided to hold this bill back so that further study could be done. Sen. Harrison felt implementation of the bill should go into effect before July 2.

SB No. 8--The committee decided to contact Roger Hazell of the Legislative Council staff to help discuss the bill.

SB No.19--Sen. Harrison moved the bill do pass; Sen. Drake seconded the motion; the committee unanimously voted in favor of the motion that the bill DO PASS.

SB No.22--Sen. Harrison moved the bill do pass; Sen. Hall seconded the motion; the committee voted unanimously the bill DO PASS.

SB No. 23--The committee decided to study this bill further before taking any action.

SB No. 26,
27,
28,
and 29--The Chairman moved to place these bills into a subcommittee with Senator Turnage appointed as Chairman. Senator Drake and Senator Hall will be on the subcommittee also.

SB 31 and
32--The Chairman moved that these bills by placed under the above mentioned subcommittee headed by Senator Turnage.

SB No. 34--Senator Turnage motioned that this bill do pass; Senator Hall seconded; and the committee unanimously voted to favor the motion.

Kayle Jackson
~~Kyle Carlson~~ will be the researcher for the committee and will be available to work for all its members.

The meeting was adjourned.

Senator Luke McKeon, Chairman

SENATE JUDICIARY COMMITTEE---January 15, 1973

The meeting was called to order by Senator McKeon. All committee members were present with the exception of Senator Drake who was ill. A hearing was held on SB 23. Judge George Shay and John R. Wimmer, both representing the Montana Magistrates Association, spoke in favor with certain recommendations. The chairman put this bill into a subcommittee; on the subcommittee are Senators Harrison and Zody.

The subcommittee on SB 26, 27, 28, 29 made up of Senators Turnage, Drake and Hall submitted their recommendations on these bills. They felt that SB 26, 27, and 29 should not pass. This committee also studied SB 31 and 32 and reported on these bills also. They recommended that SB 31 do not pass.

They gave the committee their suggested amendments on SB 28 and 32:

SB 28 On page 1, Line 15 by striking the word and number "nine (9)" and adding the word and No. "seven (7)" after the word "of" and before the word "members"

And further amend on page 1, line 19 by striking the words "Montana Bar Association;" and adding the words "Supreme Court who have practiced law in this state for at least ten years;" after the word "the" on line 19.

And further amend on page 1, section 1 by striking subsection (3) and by renumbering subsection (4) and making it subsection (3).

And further amend on page 1, line 21 by striking the word and number "three (3)" and adding the word and number "two (2)" before the word "citizens"

And further amend on page 1, line 22 by striking the words and number "two (2) of whom" and adding the word "who" as it appears after the word "retired," and before the word "must"

And further amend on page 1, line 23 by adding the punctuation mark "period (.)" after the word "Governor"

And further amend on page 1 by striking in their entirety lines 24 and 25.

And further amend on page 1 by adding a new subsection (4) which reads "(4) All appointments shall be confirmed by the Senate; appointments made when the Senate is not in session are effective until the end of the legislative session."

And further amend on page 2, section 2, line 14 by striking the words "The Montana Bar Association" and adding the words "The Supreme Court" before the word "Shall" in line 14.

And further amend on page 2, line 17 by striking the words "two (2)" and adding the word and number "one (1)" after the word "appoint" and before the word "citizens" and by striking the "s" in "citizens" so that it will read "citizen"

Andfurther amend on page 2, line 18 by adding the word "a" after the word "serve" and before the word "two" and by striking the letter "s" in the word "terms" to make it read "term"

And further amend on page 2, lines 22, 23, 24, and 25, by striking them in their entirety.

And further amend on page 3, line 3 by striking the word "a" and adding the word "its" after the word "keep" and before the word "record" and by adding "s" to the word "record" so that it reads "records" and by adding a punctuation mark "period (.)" after the word records, and deleting the remainder of section 3 after the word "record"

And further amend on page 3, line 7 by striking the word and number "five (5)" and adding the word and number "four (4)" before the word "members"

And further amend on page 3, line 10 by striking the word and number "five (5)" and adding the word and number "four (4)" after the word "least" and before the word "members"

And further amend on page 3, lines 14 and 15 by striking the words "within thirty (30) days" and adding the word "forthwith" after the word "meet" and before the word "after"

And further amend on page 3, lines 16 and 17 by striking the word and number "forty-five (45)" and adding the word and number "fifteen (15)" after the word "within" and before the word "days"

And further amend on page 3, line 25 by striking the word "applicants" and adding the word "nominees" after the word "qualified" and before the word "to"

And further amend on page 4, line 1 by adding the words "acceptable to the governor" after the word "list" and before the punctuation mark "comma (,)"

And further amend on page 4, lines 1 and 2 by striking the words "the first list" and adding the words "those names available for a second list or from the first list" as they appear after the word "from"

SB 32 On page 1, lines 16 and 17 by striking the words "the executive board of the Montana Bar Association" and adding the words "the Supreme Court" after the word "by" and before the word "and"

And further amend on page 1, lines 20 and 21 by striking the words "and confirmed by the Senate" and by adding punctuation "period (.)" after the word "governor"

And further amend on page 1, line 21 following subsection 3 by adding a new subsection 4 to read "(4) All appointments shall be confirmed by the Senate; appointments made when the Senate is not in session are effective until the end of the next legislative session."

And further amend on page 2, section 5, line 17 by adding the words "upon good cause shown" after the word "may" and before the word "initiate"

And further amend on page 2, section 5, line 19 by adding the word "verified" after the word "a" and before the word "written"

And further amend on page 2, line 21 by adding the words "and upon the finding of good cause" after the word "necessary" and before the word "may"

And further amend on page 3, line 4 by striking the words "good cause" and adding the words "the charges true" after the word "finds" and before ",it"

And further amend page 3, lines 14 and 15 by striking the words "in its discretion may permit the introduction of additional evidence." as they appear after the word "and" and by adding the words "shall make such determination as it finds just and proper and may:" after the word "and"

And further amend page 3, section 7, lines 16 and 17 by striking "(2) the Supreme Court shall make such determination as it finds just and proper and may:"

And further amend page 4, lines 4 and 5 by striking "in the United states" as they appear after the word "him" and before the word "with"

And further amend page 4, line 7 by striking the words "a recommendation to the Supreme Court by" and adding the words "a formal proceeding before" before the word "the"

The committee unanimously agreed that SB 26, 27, 29, 31 DO NOT PASS. The committee wanted to review SB 28 and 32 before acting upon them.

The meeting was adjourned. The next meeting was set for January 16 upon adjournment of the Senate.

Senator Luke McKeon, Chairman

SENATE JUDICIARY COMMITTEE---January 16, 1973

The meeting was called to order by Chairman McKeon. All members were present except Senator Drake who was excused because of illness.

The committee discussed SB 70 and 71. Senator Moore introduced three witness to speak in favor of the bill. They were Tom Dowling, President of the County Attorneys Association, Mr. G.R. Hickman and Mr. Conrad Fredericks both members of the Association. The chairman read several letters for testimony from judges throughout Montana, both supporting and opposing the bill. Because the Chairman knew of others who wanted to testify at a later date, these bills were not acted upon.

The committee discussed SB 6, which had been partially amended by Roger Hazell in the Legislative Council. They studied the proposals made by Roger and Senator Harrison added a new amendment.

The amendments were as follows:

SB 6 Page 1, line 24, delete the words "money only" and insert in lieu thereof "injury to person or property"

Section 1 and Section 3 of this act shall be in full force and effect as of July 1, 1973

Section 2 strike in its entirety beginning with line 19 and striking through line 25.

Striking Section 4 in its entirety.

Inserting in lieu of in Section 2, beginning with line 19: The State, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property. This provision shall apply only to causes of action arising after July 1, 1973. The state through the department of administration has the right to provide for self insurance for claims for injury to a person or property. The state, counties, cities, towns, and all other local governmental entities have the right also, but not the duty, to purchase insurance to protect against claims for injury to a person or property.

Senator Turnage moved that this bill do pass as amended; Sen. Harrison seconded the motion; and the committee unanimously voted that SB 6 AS AMENDED DO PASS.

Senator Turnage moved that SB 32 do pass as amended; Sen. Moore seconded the motion; and the committee unanimously voted that SB 32 AS AMENDED DO PASS. However, discussion followed and Senator Turnage decided to withdraw his motion. The Chairman asked that the report on this bill be held for another meeting.

Senator Turnage spoke to the committee on SB 47 which was put into a subcommittee composed of him and Senator Zody and Sen. Boylan. Senator Turnage moved that this bill do not pass; Sen. Harrison seconded; and the committee unanimously voted that this bill DO NOT PASS.

The committee also discussed SB 23. Sen. Turnage moved that it be amended; Sen. Gilfeather seconded; and the Committee unanimously voted that it be amended. It was amended as follows:

SB 23 On page 10, Section 12, line 12 by adding the words "with the exception of the office of the Justice of the Peace which office may not be combined or consolidated with any other office other than another office of the Justice of the Peace office" following the word "consolidated"

Senator Harrison moved that this bill do pass as amended; Senator Gilfeather seconded; and the committee unanimously voted that this bill AS AMENDED DO PASS.

The meeting was adjourned. The next meeting was scheduled for January 17 on adjournment of the Senate.

Senator Luke McKeon, Chairman

SENATE JUDICIARY COMMITTEE--January 22, 1973

The meeting was brought to order by Chairman, Luke McKeon. All members were present with the exception of Senator Drake. Senator McKeon introduced Senator Mathers who will replace Sen. Drake during his illness.

The first bill discussed was SB 185. Barne Regan, of the Montana Legal Services drafted the bill, and spoke to the committee explaining its purposes. Senator Turnage moved that this bill do pass; Sen. Gilfeather Seconded; and the committee unanimously voted the bill DO PASS.

Next SB 149 was discussed. Richard Naegle spoke in favor of the bill--Naegle did not represent any company but simply himself. The chairman entered two letters into the record: the first from Vernon K. Hanks of the Court of Conciliation in Great Falls, the second from Rev. James H. Provost, executive-Secretary for the Diocesan Commission on the Family of the Roman Catholic Diocese of Helena. Both letters favored the bill. Sen. Turnage moved that this bill be amended in Section 1, page 2 in line 1 by following the word and punctuation "differences," with the words "which have existed and persisted for a period of six months before the commencement of an action and" before the word "which" on line 1. Sen. Gilfeather seconded; and the committee unanimously that SB 149 BE AMENDED. Sen. Turnage moved that this bill do pass as amended; Sen. Hall seconded; and the committee unanimously voted that SB 149 DO PASS AS AMENDED.

Senate Bills 172 & 173 were also discussed. Several visitors offered testimony. The proponents were:

(1) Charles Smith, Real Estate Board. Mr. Smith also entered a list of amendments that he and his colleagues had drawn up for SB 173 and he urged passage of the bill as amended.
(2) Jean Anderson, League of Women Voters, urged the bill be passed without amendments.
(3) Jerome Meunford, Montana Association of Real Estate Boards supported SB 172 as is, and 173 with amendments; however, he said his association would oppose passage of 173 without amendments.
(4) George Lackman, Real Estate Board, supported 173 as amended.
(5) Don Jones, representing land developers, supported both bills.
(6) Raleigh R. Smith, Farm and Land Broker, supported the bills.
(7) Tom Mather, President of Mont. Assn. of Real Estate, supported the bills.

Opposing the bills were:

(1) Dan Wilkes, Great Falls Land Development, suggested that this bill be studied further and cautionary measures be taken when passing it.

Attachments

(2) Jim Durkin, Realtor from Great Falls.
(3) Myrdo Wilson, Accredited Farm and Lan Brokers Assoc. in Great Falls

The chairman appointed a subcommittee to review this bill. Senator Turnage was appointed as chairman and Sen. Boylan and Hall were put on his committee.

The subcommittee on SB 5, consisting of Senators Gilfeather and Harrison proposed some amendments for SB 5. They were:

SB 5 On page 1 Line 16 insert the following words after the word and punctuation "litigation." and before the word "In": "The condemnor, shall within thirty (30) days after an appeal is perfected from the commissioner's award or report, submit to condemnee a written final offer of judgment for the property to be condemned, together with necessary expenses of condemnee then accrued.

If at any time prior to ten (10) days before trial, the condemnee serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon judgment shall be entered. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissable at the trial except in a proceeding to determine costs. The fact than an offer is made but not accepted does not preclude a subsequent offer.

In the event of trial, if the condemnee receives an award of ninety percent (90%) or more of the final offer of the condemnor, the court shall award necessary expenses of trial including a reasonable attorney's fee, to the condemnee. If the condemnee does not receive ninety percent (90%) or more of the final offer then the judgment shall provide that each party pay their own costs.

And further amend by deleting the words "In the" on line 16 and by deleting lines 17, 18, 19, and 20 in their entirety.

Senator Turnage moved that the amendments be adopted; Sen. Zody seconded; and the Committee unanimously voted to adopt the above amendments.

Sen. Gilfeather moved that SB 5 as amended do pass; Sen. Hall seconded; and the committee unanimously voted that SB DO PASS AS AMENDED.

SB 28 was discussed. Proposed amendments already adopted were discussed. Sen. Turnage moved the bill do pass as amended; Sen. Hall seconded the motion; the committee unanimously voted that SB 28 DO PASS AS AMENDED.

Senator Turnage moved that SB 32 do pass as amended; Sen. Hall seconded; and the committee unanimously voted that SB 32 DO PASS AS AMENDED.

Next the committee discussed SB 144. Senator Gilfeather motioned that this bill do not pass, Senator Turnage seconded the motion. The committee unanimously voted that SB 144 DO NOT PASS.

Next the committee discussed SB 142. Senator Gilfeather suggested some amendments as follows:

SB 142 On page 1, Section 1, line 22 by adding the word "necessary" after the word "obtaining" and before the word "medical"

And further amend on page 1, Section 1, line 23 by changing the punctuation "comma (,)" after the word "available" and making it a "period (.)" and then by striking the remainder of page 1.

And further amend on page 2, section 2 by striking the words "warden of Montana State prison" and adding the words "Board of Institutions of the State of Montana" after the word "The" on line 1.

And further amend on page 2, section 2, line 1 by striking the word "shall" and adding the word "may" after the word "prison"

And further amend on page 2, section 2, line 4 by deleting the "period (.)" after the word "institution" and adding the words "in the circumstances herein set forth."

Senator Hall seconded the motion that the bill be amended; and the majority of the committee members moved that the amendments be adopted.

Senator Hall move that as amended SB 142 do pass; Senator Turnage seconded the motion; and the majority of committee members voted that SB 142 DO PASS AS AMENDED.

The meeting adjourned and the meeting scheduled for January 23 was cancelled.

Senator Luke McKeon, Chairman

Mr. President: We, your Committeee on Constitution, Elections and Federal Relations, having had under consideration Senate Bill No. 15, respectfully report as follows: That Senate Bill No. 15 do pass.

McDONALD, Chairman

Report adopted.

Mr. President: We, your Committee on Constitution, Elections and Federal Relations, having had under consideration Senate Bill No. 20, respectfully report as follows: That Senate Bill No. 20 do pass.

McDONALD, Chairman

Report adopted.

At the request of the President, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

STATE ADMINISTRATION: Senate Bills Nos. 10, 46, 49 and 50.

AGRICULTURE, LIVESTOCK & IRRIGATION: Senate Bills Nos. 37, 41 and 44.

LEGISLATIVE ADMINISTRATION: Senate Bill No. 17.

JUDICIARY: Senate Bills Nos. 6, 23, 26, 27, 28, 29, 31, 32, 38 and 47.

EDUCATION: Senate Bill No. 43.

PUBLIC HEALTH, WELFARE & SAFETY: Senate Bills Nos. 36, 39 and 42.

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS: Senate Bills Nos. 21, 24, 25, 30, 33, 35, 18, 14 and 12.

## MESSAGES FROM THE GOVERNOR

January 6, 1973

Honorable Bill Christiansen
President of the Senate
State Capitol
Helena, Montana 59601

Dear Mr. President:

I have the honor to inform you that I have this day approved the following measures:

Senate Bills Nos. 1 and 2.

Sincerely,

THOMAS L. JUDGE
Governor

cc: Honorable Harold Gerke

## MOTIONS AND RESOLUTIONS

Upon motion of Senator Lynch, to delete the effective date on Joint Rule 6-10, the President referred the matter to the Rules Committee.

Upon motion of Senator McDonald, duly carried, that Senate Bill No. 18 be removed from the Committee on Constitution, Elections and Federal Relations and rereferred to the Judiciary Committee.

## INTRODUCTION OF SENATE BILLS

The following Senate Bills were introduced, read first time by summary of title and referred:



Senate Bill No. 72, introduced by Boylan, Deschamps, Groff, Turnage, Breeden, Flynn, Mathers, James, Lowe, Cochrane, Story, Thiessen, Graham, Siderius, McOmber: A bill for an act entitled: "An act to provide that agricultural land shall be classified, appraised, and assessed according to its value for agricultural purposes without regard to the value it may have for other purposes; amending Sections 84-401 and 84-429.12, R.C.M. 1947." Referred to Committee on Taxation.

Senate Bill No. 73, introduced by Drake: A bill for an act entitled: "An act removing references to the 1889 Constitution from the codes and amending or deleting other statutory language to make it comply with the 1972 Constitution; amending Sections 11-966, 11-1302, 11-2216, 11-3229, 16-2008, 16-2010, 16-2501, 16-2504, 16-2505, 16-3203, 19-103.1, 23-3012, 32-2601, 32-3802, 32-3804, 36-203, 36-205, 40-4705, 41-1603, 43-508, 46-1903, 59-203, 59-413, 60-125, 66-2604, 72-102, 75-5701, 75-5801, 75-5802, 75-6203, 75-6410, 75-7104, 75-8113, 79-1201, 79-1206, 79-1211, 79-1212, 79-1215, 79-2411, 81-101, 81-905, 81-1001, 8-1102, 81-1712, 82-501, 82-3801, 82-3802, 82-3803, 84-404, 84-701, 84-1901, 84-3804, 84-4713, 84-5214, 91-520, 93-4215 and 93-4216, R.C.M. 1947; and repealing Sections 3-101.1, 4-348, 16-405, 16-2407, 23-2701.1, 41-1609, 75-6410.1, 84-211, and 84-707, R.C.M. 1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 74, introduced by Bollinger, Goodheart, Hazelbaker: A bill for an act entitled: "An act to delete the requirement that the state archivist establish a records management program; amending Section 82-3209, R.C.M. 1947." Referred to Committee on State Administration.

Senate Bill No. 75, introduced by Nees, Mathers, Bollinger, Lowe: A bill for an act entitled: "An act to amend Section 66-2426, R.C.M. 1947, to provide for an exemption for water conditioner installers from regulation under the board of plumbing examiners." Referred to Committee on Business and Industry.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Goodheart in the Chair. Committee arose.

Senate resumed. President Christiansen presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 22 do pass. Unanimously passed.

That Senate Joint Resolution No. 4 do pass. Unanimously passed.

That the Committee rise and report.

GOODHEART, Chairman

Thereupon the following roll call vote was taken:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Carl, Cochrane, Darrow, Devine, DeWolfe, Drake, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vaini[illegible], Zab[illegible]

had under consideration Senate Bill No. 75, respectfully report as follows: That Senate Bill No. 75 be amended as follows:

Amend Section 1, line 17, by striking the comma after the word "services" and inserting in lieu thereof the following words: "in private dwellings or";

And as so amended, do pass.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 31, respectfully report as follows: That Senate Bill No. 31 do not pass.

McKEON, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 47.

Noes: None.

Absent and not voting: Broeder. Total 1.

Excused: Drake, Moritz. Total 2.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 29, respectfully report as follows: That Senate Bill No. 29 do not pass.

McKEON, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Carl, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 46.

Noes: None.

Absent and not voting: Broeder, Deschamps. Total 2.

Excused: Drake, Moritz. Total 2.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 27, respectfully report as follows: That Senate Bill No. 27 do not pass.

McKEON, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 46.

Noes: None.

Absent and not voting: Broeder, Gilfeather. Total 2.

Excused: Drake, Moritz. Total 2.



Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 26, respectfully report as follows: That Senate Bill No. 26 do not pass.

McKEON, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Nees, Northey, Rosell, Shea, Siderius, Story, Thiessen, Turnage, Vainio, Zody. Total 46.

Noes: None.

Absent and not voting: Broeder, Sorenson. Total 2.

Excused: Drake, Moritz. Total 2.

At the request of the President, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

TAXATION: Senate Bill No. 72

JUDICIARY: Senate Bills Nos. 6, 23, 28, 32, 38 and 47

STATE ADMINISTRATION: Senate Bills Nos. 50 and 74

PUBLIC HEALTH, WELFARE AND SAFETY: Senate Bill No. 39

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS: Senate Bills Nos. 12 and 73

AGRICULTURE, LIVESTOCK AND IRRIGATION: Senate Joint Resolution No. 8.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

January 15, 1973

Dear Mr. President:

I am directed by the House to inform your Honorable Body that the following Senate Bills were this day read three several times, title and history agreed to and concurred in, and are herewith returned to the Senate:

Senate Bill No. 3, introduced by Lynch and Moore

Senate Bill No. 19, introduced by Moore and Lynch

Senate Bill No. 34, introduced by Lynch and Moore.

Sincerely yours,

ED SMITH
Chief Clerk

January 15, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following House Bills were this day read third time and passed, title and history agreed to, and the said bills are herewith transmitted to the Senate for concurrence:

House Bill No. 28, introduced by Lucas and Shelden

Upon motion of Senator Lynch, duly carried, the Senate adjourned at 4:25 p.m. until the hour of 1:30 p.m., Friday, January 26, 1973.

BILL CHRISTIANSEN
President of the Senate

WALTER H. MARSHALL
Secretary

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## TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
January 26, 1973

Senate convened at 1:30 p.m., President Christiansen presiding.

Prayer by the Chaplain and Pledge of Allegiance to the Flag.

Roll call. All members present except Drake, excused.

Quorum present.

The report of the Bills and Journal Committee, approving the Journal for the Twenty-second Legislative Day, was read and adopted.

### REPORTS OF STANDING COMMITTEES

The following committees submitted the following reports:

Mr. President: We, your Committee on Printing, to whom were referred: Senate Bills Nos. 5, 32, 92, 109, 142, 146, 149, 175, 212, 243 and Senate Joint Resolutions Nos. 8, 14, and 22, beg leave to report the same have this date been returned from the Printer correctly printed.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Engrossed Bills, to whom were referred Senate Bills Nos. 52, 102, 166, 170, 185, and 197, beg leave to report same back considered correctly engrossed.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Public Health, Welfare and Safety, having had under consideration Senate Bill No. 59, respectfully report as follows: That Senate Bill No. 59 do pass.

FLYNN, Chairman

Report adopted.

Mr. President: We, your Committee on Public Health, Welfare and Safety, having had under consideration Senate Bill No. 194, respectfully report as follows: That Senate Bill No. 194 do pass.

FLYNN, Chairman

Report adopted.

Mr. President: We, your Committee on Public Health, Welfare and Safety, having had under consideration Senate Bill No. 195, respectfully report as follows: That Senate Bill No. 195 do pass.

FLYNN, Chairman

Report adopted.

Mr. President: We, your Committee on Business and Industry, having had under consideration Senate Bill No. 304, respectfully report as follows: That Senate Bill No. 304 do pass.

DeWOLFE, Chairman

Report adopted.



Mr. President: We, your Committee on Business and Industry, having had under consideration Senate Bill No. 309, respectfully report as follows: That Senate Bill No. 309 do pass.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 147, respectfully report as follows: That Senate Bill No. 147 be amended as follows:

Amend title of bill, page 1, line 9, by striking punctuation ";" after word citizen and insert in lieu thereof punctuation "." and strike the remainder of the title in its entirety.

Further amend page 2, Section 1, Subsection (2), lines 6 and 7, by striking "ninety (90) days" and reinsert in lieu thereof "six (6) months".

And as so amended, do pass.

KEENAN, Chairman

Report adopted.

Mr. President: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 150, respectfully report as follows: That Senate Bill No. 150 do pass.

KEENAN, Chairman

Report adopted.

Mr. President: We, your Committee on Education, having had under consideration Senate Bill No. 43, respectfully report as follows: That Senate Bill No. 43 be amended as follows:

Amend page 3 after line 4 by inserting the following new material:

Section 2. Whenever any law of this state provides a limitation upon the amount of money that a school district can expend upon any public work or construction project without letting such public work or construction project to contract under competitive bidding procedures, a school district shall not circumvent such provision by dividing a public work or construction project or quantum of work to be performed thereunder which by its nature or character is integral to such public work or construction project, or serves to accomplish one of the basic purposes or functions thereof, into several contracts, separate work orders or by any similar device. This Section shall apply not only where the public work or construction project is divided into several projects which are constructed at approximately the same period of time, but also where the public work or construction project is divided into several projects which are constructed in different time periods or over an extended period of time.

Further amend page 1, lines 24 and 25 and page 2, lines 1 through 7 by striking them in their entirety and inserting in lieu thereof the following:

Whenever the estimated cost of any building, furnishing, repairing or other work for the benefit of the district, or purchasing of supplies for the district, exceeds the sum of four thousand dollars ($4,000.00), the work done, or the purchase made shall be by contract. Each such contract must be let to the lowest responsible bidder after advertisement for bids. Such advertisement shall be published in the newspaper which will give notice to the largest number of people of the district as determined by the trustees. Such advertisement shall be made once each week for two consecutive weeks and the second publication shall be made not less than five (5) days nor more than twelve (12) days before consideration of bids. Any contract not let pursuant to this Section shall be void.

And as so amended, do pass.

GILFEATHER, Chairman

Report adopted.

record by the grantee of an interest in the real property; defining contract for deed; and providing penalties for failure to record notice of purchaser's interest." Referred to Committee on Judiciary.

Senate Bill No. 416, introduced by Mathers, Turnage: A bill for an act entitled: "An act to amend Section 80-2310, R.C.M. 1947, to change the name of Eastmont Training Center to Ben Brownfield Training Center." Referred to Committee on State Administration.

Senate Bill No. 417, introduced by Harrison: A bill for an act entitled: "An act amending Section 11-3909, R.C.M. 1947, relating to the disposal of real property in areas of urban renewal." Referred to Committee on Local Government.

Senate Bill No. 418, introduced by Harrison: A bill for an act entitled: "An act suspending the status of the Sun River preserve as a game preserve until July 1, 1976; and providing an effective date." Referred to Committee on Fish and Game.

Senate Bill No. 419, introduced by McKeon: A bill for an act entitled: "An act requiring security for payment of labor claims in contract work except personal services; providing such security shall be mandatory where the contract amount is five hundred dollars ($500) or more and providing for alternative liability where such security is not furnished; providing for notice of claims and recovery to include attorney fees; and providing the remedy created shall not prejudice other available remedies." Referred to Committee on Labor and Employment Relations.

Senate Bill No. 420, introduced by McKeon: A bill for an act entitled: "An act partially implementing Article II, Section 10, of the 1972 Montana Constitution, providing for the confidentiality of state-owned mailing lists." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 421, introduced by McKeon: A bill for an act entitled: "An act providing for discretionary remedies for persons suffering personal injury as a result of a violation of a safety law or regulation." Referred to Committee on Labor and Employment Relations.

Senate Bill No. 422, introduced by McKeon: A bill for an act entitled: "An act providing for a writ of mandamus as a remendy for violation of any workmen's safety act or rule set by the state." Referred to Committee on Labor and Employment Relations.

Senate Bill No. 423, introduced by McKeon: A bill for an act entitled: "An act to increase the allowable contribution level for group insurance for public employees to twenty dollars ($20) or more; and amending Section 11-1024, R.C.M. 1947." Referred to Committee on Finance and Claims.

Senate Joint Resolution No. 37, introduced by Vainio, Shea, Lynch: A Joint Resolution of the Senate and House of Representatives of the State of Montana expressing the support of the Montana Legislative Assembly for legislation proposed in Congress which calls for the establishment of mining, mineral, and environmental research centers in each state." Referred to Committee on Natural Resources.

Senate Joint Resolution No. 38, introduced by McDonald, James, McOmber, McGowan: A Joint Resolution of the Senate and the House of Representatives of the State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from Montana, and the Honorable John Melcher and the Honorable Richard Shoup, Representatives from Montana, requesting the Montana congressional delegation to urge the appropriate agencies of the United States government to fulfill their responsibility to reconstruct the access roads to missile sites in the nine (9) county missile complex area to bring said roads into compliance with



essential minimum standards of safety. Referred to Committee on Highways and Transportation.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were introduced, posted and referred:

House Bill No. 36, introduced by Watt, Norman, Selstad, Baucus, Turman, Kosena, Haines, Hodges, Marbut, Bradley, Healy, Kimble, R. Harper, Yardley, Fasbender, Baeth, Towe, Bennetts, Huennekens, Colberg, Regan, Holmes, Halvorson: A bill for an act entitled: "An act providing for the replacement of property taxes on habitable property and certain personal property with a tax on total personal income; defining habitable property and providing for its separate listing; and providing for withholding." Referred to Committee on Taxation.

House Bill No. 89, introduced by Norman, Olson: A bill for an act entitled: "An act to amend Section 69-5104, R.C.M. 1947, to require that a written report of all autopsies of a human body be sent to the physician attending the person at time of death and to the hospital where the person died in addition to other recipients as presently provided by law." Referred to Committee on Public Health, Welfare and Safety.

House Bill No. 134, introduced by Greely, Tierney, Swanberg, R. Harper, Stephens, McKittrick: A bill for an act entitled: "An act to amend Section 15-2014, R.C.M. 1947, to allow compensation to broker-dealer for certain exempt transactions." Referred to Committee on Business and Industry.

House Bill No. 138, introduced by Glennen, Cox, Mercer, Hager: A bill for an act entitled: "An act amending Section 11-1803, R.C.M. 1947, increasing the probationary period served by newly appointed policemen from six (6) months to one (1) year." Referred to Committee on Local Government.

House Bill No. 150, introduced by Staigmiller (by request), Lien, Johnston, Stephens: A bill for an act entitled: "An act to provide for a special license classification and fee for the hunting, shooting and taking of mountain lion; amending Section 26-202.1, R.C.M. 1947." Referred to Committee on Fish and Game.

House Bill No. 151, introduced by Staigmiller (by request), Lien, Norman, Johnston, Stephens: A bill for an act entitled: "An act to provide for the exception of mountain lion from the species of game animals as to which the removal of trophy parts or wasting and abandonment of carcass thereof is prohibited; amending Section 26-307, R.C.M. 1947." Referred to Committee on Fish and Game.

House Bill No. 163, introduced by Greely: A bill for an act entitled: "An act to amend Section 95-1005, R.C.M. 1947, to require cities to remunerate appointed counsel necessary in proceedings involving the violation of city ordinances." Referred to Committee on Local Government.

House Bill No. 175, introduced by Brand: A bill for an act entitled: "An act amending Section 94-9838, R.C.M. 1947, to require a hearing on a parole violation." Referred to Committee on Judiciary.

House Joint Resolution No. 8, introduced by Tierney, Murphy, Kessner, H. Harper, Turman: A bill for an act entitled: A Joint Resolution of the Senate and the House of Representatives of the State of Montana commending the establishment and maintenance of the Sun River Game Preserve. Referred to Committee on Fish and Game.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself

into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Nees in the Chair. Committee arose.

Senate resumed. President Pro Tempore Thiessen presiding.

The Committee of the Whole submitted the following report.

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That consideration of Senate Bill No. 5 be passed. Opposed by McKeon, Gilfeather, Hall, Bertsche, Boylan, Zody, Lynch, Siderius, Breeden, Story and Moore.

That Senate Bill No. 32 do pass. Unanimously passed.

That Senate Bill No. 92 do pass. Unanimously passed.

That Senate Bill No. 109 do pass. Unanimously passed.

That Senate Bill No. 142 be indefinitely postponed. Opposed by Bollinger, Boylan, DeWolfe, Gilfeather, Goodheart, Groff, Hall, Keenan, Lynch, McDonald, McGowan, McKeon, Siderius, Sorenson, Vainio and Zody.

That Senate Bill No. 146 do pass. Unanimously passed.

That Senate Bill No. 149 do pass. Unanimously passed.

That Senate Bill No. 175 do pass. Opposed by Story.

That Senate Bill No. 212 do pass. Unanimously passed.

That consideration of Senate Bill No. 243 be passed. Opposed by Aber, Bennett, Breeden, Broeder, Cochrane, Darrow, Harrison, Himsl, Keenan, Klindt, Lowe, Manning, Moore, Moritz, Northey, Rosell, Story and Turnage.

That Senate Joint Resolution No. 8 do pass. Unanimously passed.

That Senate Joint Resolution No. 14 do pass. Unanimously passed.

That Senate Joint Resolution No. 22 do pass. Opposed by Bollinger, Boylan, Darrow, DeWolfe, Gilfeather, Goodheart, Graham, Hazelbaker, McCallum, McGowan, Moore, Story and Thiessen.

That House Amendments to Senate Bill No. 33 be concurred in. Unanimously passed.

That consideration of Senate Bill No. 9 be passed. Unanimously passed.

That House Bill No. 20 be concurred in. Unanimously concurred in.

That the Committee rise and report.

NEES, Chairman

Upon motion of Senator Nees, duly carried, the foregoing report of the Committee of the Whole was adopted.

## THIRD READING OF BILLS

Senate Bill No. 52, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Darrow, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Hall, Harrison, Hazelbaker, Himsl, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Turnage, Vainio, Zody. Total 36.

Noes: Aber, Cochrane, Devine, Groff, James, Moritz, Sorenson, Story. Total 8.

Absent and not voting: Thiessen. Total 1.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.



Senate Bill No. 102 having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 44.

Noes: None.

Absent and not voting: Thiessen. Total 1.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

Senate Bill No. 166, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 42.

Noes: Aber, Lowe. Total 2.

Absent and not voting: Thiessen. Total 1.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

Senate Bill No. 170, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 44.

Noes: None.

Absent and not voting: Thiessen. Total 1.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

Senate Bill No. 185, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Turnage, Vainio, Zody. Total 43.

Noes: Story. Total 1.

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 39.

Noes: DeWolfe, James, McGowan. Total 3.

Absent and not voting: Gilfeather, McDonald, Thiessen. Total 3.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 206, respectfully report as follows: That Senate Bill No. 206 do not pass.

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Rosell, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 42.

Noes: Northey. Total 1.

Absent and not voting: Gilfeather, Thiessen. Total 2.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

Mr. President: We, your Committee on Education, having had under consideration Senate Bill No. 168, respectfully report as follows: That Senate Bill No. 168 do not pass.

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Breeden, Broeder, Cochrane, Devine, DeWolfe, Flynn, Goodheart, Graham, Hall, Harrison, Hazelbaker, Himsl, James, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McGowan, McKeon, McOmber, Moore, Moritz, Northey, Rosell, Shea, Siderius, Sorenson, Turnage, Zody. Total 36.

Noes: Boylan, Darrow, Gilfeather, Story, Vainio. Total 5.

Absent and not voting: Groff, McDonald, Nees, Thiessen. Total 4.

Excused: Carl, Deschamps, Drake, Jensen, McNamer. Total 5.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

## MOTIONS AND RESOLUTIONS

Upon motion of Senator Lynch, duly carried, that Senate Bill No. 241 be taken from Second Reading and rereferred to Committee on Highways and Transportation.

Upon motion of Senator Bertsche, duly carried, that Senate Bill No. 387 be taken from Natural Resources and rereferred to Committee on Constitution, Elections and Federal Relations.

At the request of the President Pro Tempore, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

FISH AND GAME: Senate Bill No. 224

NATURAL RESOURCES: Senate Bill No. 211



Upon motion of Senator Lynch, duly carried, the Senate adjourned at 4:17 p.m. until the hour of 1:30 p.m., Monday, January 29, 1973.

CORNIE R. THIESSEN
President Pro Tempore
of the Senate

WALTER A. MARSHALL
Secretary

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## TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
January 29, 1973

Senate convened at 1:30 p.m., President Pro Tempore Thiessen presiding.

Prayer by the Chaplain and Pledge of Allegiance to the Flag.

Roll call. All members were present except Drake, Graham, Moore, and Klindt.

Quorum present.

The report of the Bills and Journal Committee, approving the Journal for the Twenty-fourth Legislative Day, was read and adopted.

Mr. President: We, your Committee on Printing, to whom were referred Senate Bills Nos. 70, 71, 160, 184, 210, 228, and 229, and Senate Joint Resolutions Nos. 17 and 20, beg leave to report the same have this date been returned from the Printer correctly printed.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Engrossed Bills, to whom were referred Senate Bills Nos. 32, 92, and 212, and Senate Joint Resolutions Nos. 8, 14, and 22, beg leave to report same back considered correctly engrossed.

DeWOLFE, Chairman

Report adopted.

## REPORTS OF STANDING COMMITTEES

Mr. President: We, your Committee on Constitution, Elections and Federal Relations, having had under consideration Senate Bill No. 73, respectfully report as follows: That Senate Bill No. 73 do pass.

SHEA, Vice Chairman

Report adopted.

Mr. President: We, your Committee on Constitution, Elections and Federal Relations, having had under consideration House Bill No. 34, respectfully report as follows: That House Bill No. 34 be concurred in.

SHEA, Vice Chairman

Report adopted.

Mr. President: We, your Committee on Constitution, Elections and Federal Relations, having had under consideration House Bill No. 10, respectfully report as follows: That House Bill No. 10 be concurred in.

SHEA, Vice Chairman

Report adopted.

Mr. President: We, your Committee on Public Health, Welfare and Safety, having had under consideration Senate Bill No. 209 respectfully—

House Bill No. 115, introduced by Lombardi, McKittrick (by request), East, Staigmiller, Hodges, Baucus, Ellerd: A bill for an act entitled: "An act to amend Section 87-110, R.C.M. 1947, providing period of coverage and election for coverage by exempt employers and political subdivisions; amendments to conform with reorganization as provided in Title 82A, Chapter 10, R.C.M. 1947; and deletion of language no longer applicable." Referred to Committee on Labor and Employment Relations.

House Bill No. 170, introduced by Baeth, McKittrick (by request), Lombardi, Hodges, Staigmiller, Baucus, East, Ellerd: A bill for an act entitled: "An act to amend Section 87-109, R.C.M. 1947, providing for clarification of the definition of nonprofit organizations eligible to elect to make payments in lieu of contributions; providing for group election by nonprofit organizations; providing for termination of election to make payments in lieu of contributions and providing for appeal rights of non-profit organizations making payments in lieu of contributions; providing amendments to conform with reorganization as required in Title 82A, Chapter 10, R.C.M. 1947; and deletion of language no longer applicable." Referred to Committee on State Administration.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Boylan in the Chair. Committee arose.

Senate resumed. President Pro Tempore Thiessen presiding.

The Committee of the Whole submitted the following report:

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 304 do pass. Unanimously passed.

That Senate Bill No. 70 do pass. Unanimously passed.

That Senate Bill No. 71 do pass. Unanimously passed.

That Senate Bill No. 160 do pass. Unanimously passed.

That Senate Bill No. 184 do pass. Unanimously passed.

That Senate Bill No. 210 do pass. Unanimously passed.

That Senate Bill No. 228 do pass. Unanimously passed.

That Senate Bill No. 229 do pass. Unanimously passed.

That Senate Joint Resolution No. 17 do pass. Unanimously passed.

That Senate Joint Resolution No. 20 be amended on page 1, line 20, by striking the word "employment" and inserting in lieu thereof the word "unemployment",

And be further amended on page 1, line 20, by striking the word "increased" and inserting in lieu thereof the word "decreased",

And as so amended, do pass. Opposed by Moore, Carl, Mathers, Turnage, McNamer, Aber.

That House Bill No. 10 be concurred in. Unanimously concurred in.

That House Bill No. 34 be concurred in. Unanimously concurred in.



That consideration of House Joint Resolution No. 10 be passed. Unanimously passed.

That the Committee rise and report.

BOYLAN, Chairman

Upon motion of Senator Boylan, duly carried, the foregoing report of the Committee of the Whole was adopted.

## THIRD READING OF BILLS

Senate Bill No. 32, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: None.

Excused: Drake, Story. Total 2.

Senate Bill No. 92, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: None.

Excused: Drake, Story. Total 2.

Senate Bill No. 212, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Thiessen, Turnage, Vainio, Zody. Total 47.

Noes: None.

Absent and not voting: Moritz. Total 1.

Excused: Drake, Story. Total 2.

Senate Joint Resolution No. 8, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan

IMPLEMENTING THE
1972 CONSTITUTION

SENATE BILL NO. 32

INTRODUCED BY LYNCH, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A JUDICIAL STANDARDS COMMISSION AND SPECIFYING THE COMPOSITION AND THE QUALIFICATIONS OF THE MEMBERS IN COMPLIANCE WITH ARTICLE VII, SECTION 11 OF THE 1972 MONTANA CONSTITUTION."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is created a judicial standards commission consisting of five (5) members as follows:

(1) two (2) district court judges, from different judicial districts, appointed by the supreme court;

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by ~~the executive board of the Montana bar association~~ THE SUPREME COURT; and

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor ~~and confirmed by the senate~~.

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SEANTE; APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL THE END OF THE NEXT LEGISLATIVE SESSION.

THIRD READING

Section 2. (1) The first appointments made under this act are as follows:

(a) the supreme court shall appoint one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and

(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.

(2) Thereafter, all terms shall be for four (4) years.

Section 3. (1) Commission membership terminates if a member ceases to hold the position that qualified him for appointment.

(2) In the event a vacancy occurs on the commission, the appointing authority of the vacated seat shall designate a successor.

Section 4. A commission member is not entitled to compensation for his services but is entitled to actual expenses incurred in the performance of his duties.

Section 5. (1) Any citizen of the state may UPON GOOD CAUSE SHOWN, initiate an investigation of any judicial officer in the state by filing a VERIFIED written complaint with the commission.

(2) The commission, after such investigation as it considers necessary AND UPON THE FINDING OF GOOD CAUSE, may:

(a) order a hearing to be held before it concerning the censure, suspension, removal or retirement of a judicial officer; or

(b) request the supreme court to appoint one (1) or more special masters, who are judges of courts of record, to hear and take evidence and to report to the commission.

(3) If after hearing or after considering the record and report of the masters, the commission finds ~~good--cause~~ THE CHARGES TRUE, it shall recommend to the supreme court the censure, suspension, removal or retirement of the judicial officer.

Section 6. (1) All papers filed with, and proceedings before the commission or masters are confidential.

(2) The filing of papers with and the testimony given before the commission or masters is privileged communication.

Section 7. (1) The supreme court shall review the record of the proceedings and ~~in-its-discretion-may-permit the-introduction-of-additional--evidence.~~ SHALL MAKE SUCH DETERMINATION AS IT FINDS JUST AND PROPER AND MAY:

~~(2) The-supreme-court-shall-make-such--determination as-it-finds-just-and-proper-and-may:~~

(a) order censure, suspension, removal or retirement of a judicial officer, or

(b) wholly reject the recommendation.

Section 8. A judicial officer who is a member of the commission or of the supreme court shall not participate in any proceeding involving his own censure, suspension, removal, or retirement or that of a relative within the sixth degree of consanguinity or that of the spouse of such a relative.

Section 9. A judge is disqualified from acting as a judge, without loss of salary, while there is pending:

(1) an indictment or an information charging him ~~in the United States~~ with a crime punishable as a felony under Montana or federal law, or

(2) ~~a recommendation to the supreme court by~~ A FORMAL PROCEEDING BEFORE the commission for his removal or retirement.

Section 10. (1) On recommendation of the commission, the supreme court may suspend a judicial officer from office without salary when he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Montana or federal law, or of any other crime involving moral turpitude.

(2) If his conviction is reversed, suspension terminates, and he shall be paid his salary for the period

of suspension.

(3) If he is suspended and his conviction becomes final, the supreme court shall remove him from office.

Section 11. (1) Upon an order for retirement, the judicial officer shall be retired with the same rights and privileges as if he retired pursuant to statute.

(2) Upon an order for removal, the judicial officer shall be removed from office and his salary shall cease from the date of the order. He shall be ineligible for any other judicial office and pending further order of the court is suspended from practicing law.

-End-

# HOUSE JOURNAL

OF THE

## First Regular and First Special Sessions

OF THE

# Forty-Third Legislative Assembly

OF THE

## STATE OF MONTANA

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**Held at Helena, the Seat of Government of Said State,**
**Commencing in Regular Session January 1, 1973 and**
**Ending March 10, 1973, and**
**Commencing in Special Session March 12, 1973, and**
**Ending March 24, 1973.**

Ed Smith
Chief Clerk

Rosella Wilson
Journal Clerk

---

**PUBLISHED BY AUTHORITY**

3
STATE PUBLISHING CO., HELENA, MONT.

| No. | Title of Bill | Page |
|---|---|---|
| | by requiring a vote of two-thirds of the members of the House of Representatives instead of a vote of a majority of the members to impeach a state officer." | 92, 95, 124, 146, 162, 208 |
| 21 | Introduced by Moore and Lynch: A bill for an act entitled: "An act implementing Article V, Section 14 of the 1972 Montana Constitution by providing for a Districting and Apportionment Commission; and providing for an effective date." | 124, 128, 268, 283, 296, 297, 366, 923, 935 |
| 22 | Introduced by Moore and Lynch (by request): A bill for an act entitled: "An act amending Section 93-318, R.C.M. 1947, to remove the minimum jurisdictional amount for district courts to comply with Article VII, Section 4 of the 1972 Montana Constitution and to remove other superfluous language." | 82, 84, 106, 117, 130, 170, 208 |
| 23 | Introduced by Moore, Lynch: A bill for an act entitled: "An act providing for the minimum number of justices of the peace, their compensation, qualifications, terms of office, training and designation as county officers; providing for the collection of fees by justices and improvement of their facilities; abolishing fees in criminal actions; and deleting references to townships; all to comply with Article VII, Sections 5 and 7 of the 1972 Montana Constitution; amending Sections 11-727, 16-2403, 16-2404, 16-2406, 25-307, 93-401 through 93-403, 93-405, 93-704, 93-1602, 93-6601, 93-6602, 93-6706, 93-6903, 93-7302, 93-7311, 93-7402, 93-7605, 93-7607, 93-7704, 93-7709, 93-9705, R.C.M. 1947; and repealing Sections 25-303, 25-305 and 25-306, R.C.M. 1947." | 240, 245, 804, 805, 845, 865, 905, 922, 923, S-67, 68, 102, 158 |
| 24 | Introduced by Moore and Lynch (by request): A bill for an act entitled: "An act to provide for eight (8) year terms for the justices of the supreme court in accordance with Article VII, Section 7(2) of the 1972 Montana Constitution; amending Section 93-201, R.C.M. 1947; and repealing Sections 93-202 through 93-206, R.C.M. 1947, which are obsolete." | 113, 195, 214, 235, 323 |
| 25 | Introduced by Moore and Lynch (by request): A bill for an act entitled: "An act amending Section 93-302, R.C.M. 1947, to increase the term of office of district court judges from four (4) to six (6) years to comply with Article VII, Section 7(2) of the 1972 Montana Constitution." | 113, 114, 195, 214, 235, 236, 323 |





| No. | Title of Bill | Page |
|---|---|---|
| 28 | Introduced by Lynch, Moore: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, 93-309, R.C.M. 1947." | 319, 322, 834, 835, 836, 881, 918, 948, 954, S-4, 7, 14, 100, 101, 128, 158 |
| 30 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act to bring the qualifications of supreme court justices and district court judges in compliance with Article VII, Section 9 of the 1972 Montana Constitution, by raising the district court residency requirement from one (1) to two (2) years, providing for a five (5) year practice of law requirement and eliminating age requirements; amending Section 93-702, R.C.M. 1947, and repealing Section 93-701, R.C.M. 1947." | 113, 114, 196, 214, 236, 336 |
| 32 | Introduced by Lynch, Moore: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members in compliance with Article VII, Section 11 of the 1972 Montana Constitution." | 289, 293, 638, 658, 680, 681, 726, 802 |
| 33 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act placing the name of the supreme court justices and district court judges on the ballot in uncontested elections to comply with Article VII, Section 8(2) of the 1972 Montana Constitution." | 113, 114, 194, 232, 246, 247, 277, 348 |
| 34 | Introduced by Lynch, Moore (by request): A bill for an act entitled: "An act amending Section 93-2906, R.C.M. 1947, to delete reference to the 1889 Montana Constitution; and to rearrange subsection (4) to be more readable." | 74, 76, 80, 91, 108, 109, 154 |
| 35 | Introduced by Lynch and Moore (by request): A bill for an act entitled: "An act to consolidate all sections defining judicial districts into Section 93-301; amending Section 93-301, R.C.M. 1947, and repealing Sections 93-301.1, 93-301.2, 93-301.3 and 93-301.4, R.C.M. 1947." | 113, 114, 268, 283, 297, 366 |
| 36 | Introduced by Turnage, James: A bill for an act entitled: "An act to amend Sections 71-1716 and 71-1517, R.C.M. 1947, to include as persons eligible- | |

Be further amended on page 1, lines 7 and 8, title, after the words "by the" by striking the words "[board of directors of the Montana County Attorneys Association]", and inserting in lieu thereof the new material "attorney general", and

Be further amended on page 1, line 9, title, after the words "of the" by striking the word "[division]" and inserting in lieu thereof the new material "training coordinator", and

Be further amended on page 1, Section 1, lines 14 and 15 after the words and punctuation "safety, a" by striking the words "[division of training coordination]" and inserting in lieu thereof the new material "training coordinator for county attorneys", and

Be further amended on page 1, Section 2, line 16 after the word "the" by striking the words "[administrator of the division]" and inserting in lieu thereof the new material "training coordinator", and

Be further amended on page 1, Section 2, line 17, after the words "by the" by striking the words "[board of directors]" and inserting in lieu thereof the new material " attorney general from a list of three names proposed and submitted by", and

Be further amended on page 1, Section 3, line 19, after the word "the" by striking the word "[division]" and inserting in lieu thereof the new material "training coordinator", and

Be further amended on page 1, Section 3, lines 20 and 21 after the word "head" by striking the words "[and by the board of directors of the county attorneys association]".

And, as amended, do pass.

HALL, Chairman

Report adopted.

(Material in brackets denotes cancelled type.)

January 31, 1973

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 306, respectfully report as follows: That House Bill No. 306 be amended on page 1, Section 1, lines 10, 11, 12, 13 and 14, after the word "subject" by striking the words and punctuation "[to review by the Senate at the legislative session next following the issuance of the order. Failure to submit the order for review as provided shall result in the order being considered null and void and of no force or effect.]" and inserting in lieu thereof the new material, "to the same procedures of confirmation by the Senate as apply to those gubernatorial appointments requiring confirmation."

And, as amended, do not pass.

HALL, Chairman

Burnett moved, as a substitute motion, that House Bill No. 306 be printed and placed on Second Reading.

Motion failed.

Thereupon, the committee report was adopted by the following vote:

Ayes: Baeth, Bardanouve, Baucus, Bennetts, Bradley, Brand, Colberg, Cotton, Driscoll, Edland, Fasbender, Fleming, Flynn, Forsgren, Greely, Gunderson, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kendall, Kimble, Kosena, Laas, Lee, Lombardi, Lynch, McKittrick, Manuel, Mehrens, Menahan, Murphy, Norman, Prevost, Quilici, Regan, Schepens, Schye, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Towe, Turman, Watt, Yardley, Zimmer, Mr. Speaker. Total 56.

Jan 31



Noes: Aageson, Ainsworth, Asbjornson, Barrett, Bell, Burnett, Campbell, Castles, Clemow, Cox, East, Fagg, Galt, Glennen, Hager, Holtz, Hubing, Jones, Kessner, Kolstad, Kvaalen, Lockrem, Lucas, Lund, Lundgren, Marbut, Marks, Mercer, Nichols, Olson, Rolfe, Seifert, Selstad, Smith, Tierney, Turner, Ulmer, Walborn, Warfield. Total 39.

Excused: Brown, Lien, Roberts. Total 3.

Absent or not voting: Ellerd, Hageman. Total 2.

## MESSAGES FROM THE SENATE

Mr. Speaker: January 30, 1973

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and the bills are herewith returned to the House for concurrence in Senate amendments:

House Bill No. 14, introduced by Shelden and Lucas (by request)

House Bill No. 31, introduced by Shelden and Lucas (by request)

Respectfully yours,

JOHN N. HANSON
Acting Secretary of the Senate

Mr. Speaker: January 30, 1973

I am directed by the Senate to inform your Honorable Body that the following House Bills and House Resolution were this date read three several times and concurred in, title and history agreed to, and the bills are herewith returned to the House:

House Bill No. 4, introduced by Gerke, Ainsworth (by request)

House Bill No. 12, introduced by Shelden and Lucas (by request)

House Bill No. 32, introduced by Lucas and Shelden (by request)

House Bill No. 33, introduced by Lucas and Shelden (by request)

House Joint Resolution No. 3, introduced by Bardanouve.

Respectfully yours,

JOHN N. HANSON
Acting Secretary of the Senate

Mr. Speaker: January 30, 1973

I am directed by the Senate to inform your Honorable Body that the following Senate Bills and Senate Resolutions were this day read three several times and passed, title and history agreed to, and the bills are herewith transmitted to the House for concurrence:

Senate Bill No. 32, introduced by Lynch and Moore (by request)

Senate Bill No. 92, introduced by Thiessen, McD...

ceedings and court review; establishing minimum instrumentation requirements and prohibiting the use of instruments or devices which do not meet minimum instrumentation requirements; and providing for injunctions and penalties for violation of the provisions of this act." Referred to Committee on Judiciary.

House Bill No. 546, introduced by Hodges (by request): A bill for an act entitled: "An act making lawful the conducting of games of chance, commonly known as punch boards; defining terms; providing for the licensing and regulation of punch boards; and providing for the enforcement of this act." Referred to Committee on Judiciary.

House Bill No. 547, introduced by Burnett: A bill for an act entitled: "An act requiring the administrator, executor, and attorney to disclose his probate fee on the estate to the beneficiaries upon consideration of the case; and requiring a district court to publicly post its probate fee schedule." Referred to Committee on Judiciary.

House Bill No. 548, introduced by Bardanouve: A bill for an act entitled: "An act for the codification and general revision of the laws relating to the Public Employees' Retirement System and repealing Sections 68-101, 68-102, 68-201, 68-202, 68-203, 68-301, 68-302, 68-303, 68-401 through 68-405, 68-501, 68-601, 68-602, 68-603, 68-701 through 68-710, 68-801, 68-802, 68-901, 68-902, 68-1001 through 68-1005, 68-1101, 68-1201 and 68-1301 through 68-1320, R.C.M. 1947." Referred to Committee on State Administration.

House Bill No. 549, introduced by Menahan, Forsgren, Holmes, Brown, Lucas, Bradley, Lynch: A bill for an act entitled: "An act providing for notification of nontenure teachers regarding their election or termination for the following year." Referred to Committee on Education.

House Bill No. 550, introduced by Bardanouve, Fagg: A bill for an act entitled: "An act adding new Sections to Chapter 47, Title 16, R.C.M. 1947; providing for the protection and enhancement of shoreland areas; county zoning; assistance by the Department of Natural Resources and Conservation; and zoning by that department upon default by a county." Referred to Committee on Natural Resources.

House Bill No. 551, introduced by Marbut, Hall, Fasbender: A bill for an act entitled: "An act to avoid jurisdictional conflict between states in child custody proceedings; to provide interstate judicial assistance in custody cases; and to discourage illegal schemes to gain possession of a child in contested custody proceedings." Referred to Committee on Judiciary.

Senate Joint Resolution No. 8, introduced by Bollinger, McOmber, Deschamps: A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Montana Agricultural Stabilization and Conservation State Committee to adopt immediately the emergency measures now known by the Agricultural Research Service, Soil Conservation Service, Federal Extension Service, Experiment Stations and other agencies to reduce Montana's conserving base, to minimize summer fallowing, to maximize cropping flexibility, and to prevent further destruction of Montana's cropland and further pollution of Montana's water by saline-alkali seep. In accordance with the principles of conservation of natural resources in soil and water as set out in the Soil Conservation and Domestic Allotment Act, as amended. Referred to Committee on Agriculture, Livestock and Irrigation.

Senate Joint Resolution No. 14, introduced by Moritz, Hazelbaker, Moore, Klindt, Bennett, McGowan, Story, Lowe, Drake, Manning, Graham, Sorensen, Lynch: A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting and urging that the Congress of the United States take effective action to restore to the State of Mon-

Jan 31



tana the full amount of the funds which have been legally apportioned to the state but which have been improperly reduced and curtailed by the executive branch of the federal government through the device of "contract controls" and "limitations of obligation". Referred to Committee on Highways and Transportation.

Senate Joint Resolution No. 22, introduced by Himsl, Cochrane, Moritz, Rosell, Sorensen, Zody, Hazelbaker, Bertsche, Keenan, Carl, Northey, Devine, James, Aber, Broeder: A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Legislative Council conduct a study of legislation leading to the adoption of a statewide, uniform license fee system of taxation of automobiles, in lieu of the new car sales tax and personal property taxes with an anniversary system of licensing and registration of vehicles throughout the year, and report its findings to the Second Session of the Forty-Third Legislative Assembly, together with draft legislation for the implementation of such a system. Referred to Committee on Highways and Transportation.

Senate Bill No. 32, introduced by Lynch, Moore: A bill for an act entitled: "An act creating a judicial standards commission and specifying the composition and the qualifications of the members in compliance with Article VII, Section 11 of the 1972 Montana Constitution." Referred to Committee on Judiciary.

Senate Bill No. 92, introduced by Thiessen, McDonald, Nees: A bill for an act entitled: "An act to amend Section 89-1208, R.C.M. 1947, to raise the compensation of irrigation district commissioners from ten dollars ($10) to twenty dollars ($20) and to provide a mileage allowance of nine cents ($.09) per mile." Referred to Committee on Agriculture, Livestock and Irrigation.

Senate Bill No. 212, introduced by James: A bill for an act entitled: "An act amending Section 84-2207, R.C.M. 1947, to allow sixty (60) days for filing crude oil production and license tax statements and for payment of the tax; to provide that the statement and tax be sent to the Department of Revenue rather than the State Treasurer; to provide that overpayment of the tax be applied as a credit or refund; and providing an effective date." Referred to Committee on Taxation.

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House revolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

Motion carried.

Lombardi in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading recommend as follows:

That House Bill No. 16 be moved to the bottom of the list.

That House Bill No. 17 be moved to the bottom of the list.

That House Bill No. 18 be passed for the day.

That House Bill No. 58 be amended in Section 3, page 2, line 4 of the second reading bill; being page 2, Section 3, line 4 of the introduced bill, after the words "per year," by inserting in lieu thereof the words "and which" and

Further amend page 2, Section 3, lines 5 through 8 of the second reading bill; being page 2, Section 3, lines 5 through [illegible]

February 16, 1973

JUDICIARY COMMITTEE

The thirty third meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Friday, February 16, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present.

SENATE BILL 32 Chief sponsor, Senator Lynch, was not present. Proponent Robert L. Sullivan, representing both himself and the University of Montana Law School, urged passage of bill with two amendments he proposed which are to amend in Section 5, subparagraph (1) on page 2 by adding the new material "the commission may initiate an investigation on its own behalf" or similar such language and on page 3, section 6, by adding a new subparagraph (3) to read "the committee shall make rules for conduct of its affairs and to provide for confidentiality of its proceedings". Judge Peter Meloy representing the judges of Montana, offered a proposed amendment to bill which asks for confidentiality of the report of the commission. Judge Castles and Judge Fall also present but did not have anything to add to testimony of other proponents. No opponents. The hearing was opened to questions from committee members. Questions pertained primarily to the major difference between this new proposed legislation and present legislation and also number of lay persons on the commission. Following questions the hearing was closed. Senate Bill 32 will be considered in Executive Session at a later date.

SENATE BILL 149 Senator Luke McKeon, chief sponsor, summarized his bill, stating it adds new ground for divorce and that bill is self-explanatory. Taken from California law and endorsed by courts of conciliators throughout the state, the Montana Catholic Conference and other organizations. No proponents and no opponents. Following question from Representative Greely regarding whether divorce proceedings still have a plaintiff and defendent to which the answer was yes the hearing was closed. Representative Towe moved BE CONCURRED IN. Representative Baucus seconded. Representative Towe stated the only problem with this bill is that it doesn't go far enough. Motion BE CONCURRED IN carried unanimously. Representative Towe will carry.

SENATE BILL 236 Senator Frank W. Hazelbaker, District #21, chief sponsor, stated this bill is a housekeeping measure regarding printing and distribution laws of the Journal and that it strikes the reference to sidenoting which is extremely expensive. No other proponents and no opponents. Following a couple questions from committee members the hearing was closed. Following discussion among committee members Representative Greely moved BE CONCURRED IN. Representative Lucas seconded. Motion BE CONCURRED IN carried unanimously. Representative Greely will carry.

SENATE BILL 210 Senator David F. James, District #14, chief sponsor, not present. Proponent Robert W. Stockton, representing the office of Superintendent of Public Instruction, appeared in support of bill. In summarizing he pointed out the changes in the bill and explained each briefly. No other proponents and no opponents. No questions from committee and hearing was closed. Following discussion among committee members Representative Lucas moved BE CONCURRED IN. Representative Yardley seconded. Motion carried unanimously.

The meeting adjourned at 9:50 a.m.

JCH:pb

JOHN C. HALL, CHAIRMAN

WITNESS STATEMENT

Name Robert E. Sullivan Date _____

Address Law School C of Montana Support ? _____

Representing Self & Montana Citizens Oppose ? _____

Which Bill ? SB 32 Amend ? ←

Comments:

For Court Improvement

Please leave prepared statement with the committee secretary.

Judge Mecoy SB32
2/16/23

It is proposed that Senate Bill 32 be amended in Section 1 by deleting sub-sections (1) (2) (3) (4) and inserting in lieu thereof the following:

(1) two (2) district court judges, from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the Supreme Court and the two (2) so elected certified as to such election by the Chief Justice of the Supreme Court which for the purpose of the language of this act shall be considered as an appointment.

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by the Supreme Court.

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor.

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SENATE; APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL CONFIRMATION IS REJECTED BY THE SENATE AND IF CONFIRMED UNTIL THE END OF THE TERM OF APPOINTMENT.

Section 2. (1) The first appointments made under this act are as follows:

(a) the supreme court shall designate by certificate of the Chief Justice one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and

(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.

(2) Thereafter, all terms shall be for four (4) years.

February 19, 1973

JUDICIARY COMMITTEE

The thirty fourth meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Monday, February 19, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present. Representative Greely was quite late.

Chairman Hall opened the meeting, stating committee would take up Senate Bills 23, 6, 225 and 334. There were no proponents nor opponents to any of these bills with the exception of the sponsors.

SENATE BILL 334 Senator Hazelbaker, chief sponsor, summarized his bill which he described as an innocuous housekeeping measure to assign legislative council the job of indexing session laws which will start after the second regular session and will save money. Following a question from Representative Lucas as to who is contracting to do this work now the hearing was closed.

SENATE BILLS 23 and 6 Senator James Moore summarized both these bills which are constitutional implementation bills and were prepared by an ad hoc committee. Senator Moore stated the Senate Judiciary Committee made some changes to make the bills more workable. The committee members then had several questions to ask Senator Moore, It was also noted that Senator McNamer has some bills coming through which will deal with fee structure of justice of the peace salaries but Senator Moore did not know if these others bills are comparable. Following questions the hearing was closed.

SENATE BILL 225 Senator Bertsche was unable to be present but left a prepared statement with Chairman Hall just prior to the meeting. Representative Hall read this statement to the committee pertaining to escheated estates and abandoned or unclaimed property (see exhibit). No questions from committee and hearing closed.

Chairman Hall stated he now wished to briefly discuss Senate Bill 109 and, in his opinion, to have a hearing this evening limited to testimony and preliminary questions. In about another week will hold another hearing which will be directed more as questions to people who have worked on this bill from the committee. This is a major bill. The committee agreed with Chairman Hall's proposal to handle Senate Bill 109 in this manner.

SENATE BILL 32
EXECUTIVE SESSION Hearing on this bill was previously conducted on Friday, February 16, 1973. Representative Lucas moved DO PASS AS AMENDED in accordance with amendments prepared by Judge Meloy. Considerable discussion followed among committee members. Chairman Hall stated the basic purport of bill is district judges themselves elected two district judges and then they pick their own. Seems like bill for protection of just exactly what we're trying to get away from. Discussion included the amendment by

the senate that the senate must approve confirmation of judges. Representative Marbut moved to include the amendments proposed by Dean Sullivan of the University of Montana law school, this to be included in original motion by Representative Lucas. Substitute motion by Representative Greely that district judge association choose two representatives and not be approved by the senate. Representative Lucas seconded. Motion carried with Representatives Marbut, Baucus and Towe voting no. Representative Greely moved the civilians of the commission be appointed by the governor and delete approved by the senate. Motion carried with Representatives Baucus, Towe, Yardley, Marbut and McKittrick voting no. Representative Lucas moved the attorney be appointed by the Supreme Court without approval of the senate. Representative Towe made a substitute motion that we have a lawyer member appointed by the Bar Association. Motion failed with Representatives Baucus, Brown and Towe voting yes. Committee reverted back to Representative Lucas' substitute motion that attorney be appointed by the Supreme Court without approval by the Senate. Motion carried with Representatives Towe, Greely, Marbut, Baucus and McKittrick voting no.

Committee reverted to original motion of BE CONCURRED IN AS AMENDED following discussion of what they had just done. Motion carried unanimously. Representative Roberts will carry. (see exhibit A for complete list of amendments).

SENATE BILL 5 Hearing was conducted on this bill on Thursday, February 15, 1973. Representative McKittrick moved to amend on page 2, line 10 by deleting the material "90% or" and also delete the same in lines 13 and 14 and AS AMENDED BE CONCURRED IN. Discussion among committee members ensued. Representative McKittrick withdrew his original motion and moved to amend on page 2, section 1, lines 8 through 15 of the blue senate bill by deleting all the material in lines 8 through 15 after the word and punctuation "offer." and inserting in lieu thereof the material, "In the event of litigation, and when the private property owner prevails, by receiving an award in excess of the final offer of the state, the court shall award necessary expenses of litigation.", and AS AMENDED BE CONCURRED IN. Representative Baucus seconded. Motion carried unanimously. Representative Baucus will carry this bill.

Business being concluded the meeting adjourned at 10:30 a.m.

JCH:pb

JOHN C. HALL, CHAIRMAN

February 19, 1973

HOUSE COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 32

Be amended on page 1, section 1, lines 13 through 25 in the blue senate bill by deleting all the material in lines 13 through 25 to include all of subsections (1), (2), (3) and (4) of section 1 and inserting in lieu thereof the following new material, (1) two (2) district court judges, from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the Supreme Court and the two (2) so elected certified as to such election by the Chief Justice of the Supreme Court which for the purpose of the language of this act shall be considered as an appointment.

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by the Supreme Court.

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor.", and

Be further amended on page 2, section 2, lines 3 through 10 in the blue senate bill by deleting all the material in lines 3 through 10 to include all of subsections (a), (b) and (c) after the word and punctuation "follows:" and inserting in lieu thereof the new material, (a) the supreme court shall designate by certificate of the Chief Justice one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and

(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.", and

Be further amended on page 2, section 5, subsection (1), line 22 in the blue senate bill after the parenthesis and number "(1)" by deleting the word "Any" and inserting in lieu thereof the new material "The commission, or any", and

Be further amended on page 3, section 7, line 19 in the blue senate bill after the word "communication." by adding the new subsection, (3) The commission shall make rules for the conduct of its affairs and provide for the confidentiality of its proceedings.".

Feb 19

tions, having had under consideration House Bill No. 293, respectfully report as follows: That House Bill No. 293 be held over until the Second Half of the 43rd Legislative Session in January, 1974.

McKITTRICK, Chairman

Report adopted.

February 15, 1973

Mr. Speaker: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 292, respectfully report as follows: That House Bill No. 292 be held over until the Second Half of the 43rd Legislative Session in January, 1974.

McKITTRICK, Chairman

Report adopted.

February 19, 1973

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 5, respectfully report as follows: That Senate Bill No. 5 be amended on page 2, Section 1, lines 8 through 15 of the blue Senate bill by deleting all the material in lines 8 through 15, after the word and punctuation "offer." and inserting in lieu thereof the material, "In the event of litigation, and when the private property owner prevails, by receiving an award in excess of the final offer of the state, the court shall award necessary expenses of litigation.".

And, as amended, be concurred in.

HALL, Chairman

Report adopted.

February 19, 1973

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 32, respectfully report as follows: That Senate Bill No. 32 be amended on page 1, Section 1, lines 13 through 25, in the blue Senate bill by deleting all the material in lines 13 through 25 to include all of Subsections (1), (2), (3) and (4) of Section 1 and inserting in lieu thereof the following new material, (1) two (2) district court judges, from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the Supreme Court and the two (2) so elected certified as to such election by the Chief Justice of the Supreme Court which for the purpose of the language of this act shall be considered as an appointment.

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by the Supreme Court.

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor.", and

Be further amended on page 2, Section 2, lines 3 through 10 in the blue Senate bill by deleting all the material in lines 3 through 10 to include all of Subsections (a), (b) and (c) after the word and punctuation "follows:" and inserting in lieu thereof the new material, (a) the Supreme Court shall designate by certificate of the Chief Justice one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and



(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.", and

Be further amended on page 2, Section 5, Subsection (1), line 22 in the blue Senate bill, after the parenthesis and number "(1)" by deleting the word "[Any]" and inserting in lieu thereof the new material "The commission, or any", and

Be further amended on page 3, Section 7, line 19, in the blue Senate bill after the word "communication." by adding the new Subsection, (3) The commission shall make rules for the conduct of its affairs and provide for the confidentiality of its proceedings.".

And, as amended, be concurred in.

HALL, Chairman

(Material in brackets denotes cancelled type.)

Report adopted.

February 15, 1973

Mr. Speaker: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 295, respectfully report as follows: That House Bill No. 295 be held over until the Second Half of the 43rd Legislative Session in January, 1974.

McKITTRICK, Chairman

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

Motion carried.

Kolstad in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading ,recommend as follows:

That House Bill No. 489 do pass (85-0).

That House Bill No. 538 do pass (57-39).

That House Bill No. 559 be passed to the bottom of the board.

That House Joint Resolution No. 29 do pass (69-19).

That House Bill No. 127 be amended in Section 14, page 21, line 20, of the second reading bill following the word "lands" by striking the punctuation "[,]" and inserting in lieu thereof the word "and", and

Further amend Section 14, page 21, line 21 of the second reading bill after the word "relations" by striking the following material in lines 21, 22, 23 and 24, "[, citizen environmental protection and resource planning groups, and other interested persons OR GROUP MAY OBTAIN A PLAN BY WRITTEN REQUEST AND PAYMENT THEREOF upon request]" and inserting in lieu thereof ". Citizen environmental protection and resource planning groups, and other interested persons may obtain a plan by written request and payment thereof" (85-0).

And, as amended, do pass (97-0).

That House Bill No.

2nd reading



Further amend page 5, line 7 of the Senate Third Reading bill, being line 25, page 4 of the introduced bill, by inserting after the word "payable" the words and punctuation, "all other obligations of the city." (67-1)

And, carrying the above amendments, be passed for the day.

That Senate Bill No. 71 be concurred in (70-15).

That Senate Bill No. 73 be concurred in (78-0).

That Senate Bill No. 146 be concurred in (64-18).

That Senate Bill No. 149 be concurred in (85-1).

That Senate Bill No. 155 be concurred in (80-0).

That Senate Bill No. 157 be concurred in (64-24).

That Senate Bill No. 166 be concurred in (79-0).

That Senate Bill No. 174 be concurred in (74-0).

That Senate Bill No. 176 be concurred in (82-0).

That Senate Bill No. 184 be concurred in (63-20).

That Senate Bill No. 185 be concurred in (61-16).

That Senate Bill No. 204 be concurred in (76-1).

That Senate Bill No. 210 be concurred in (76-0).

That Senate Bill No. 236 be concurred in (81-0).

That Senate Bill No. 285 be concurred in (81-0).

That Senate Bill No. 286 be concurred in (82-0).

That Senate Bill No. 287 be concurred in (80-1).

That Senate Bill No. 288 be concurred in (76-0).

That Senate Joint Resolution No. 12 be concurred in (80-1).

That Senate Joint Resolution No. 15 be concurred in (84-0).

That Senate Joint Resolution No. 17 be concurred in (82-1).

That Senate Joint Resolution No. 20 be concurred in (79-2).

That Senate Joint Resolution No. 22 be concurred in (81-0).

That Senate Bill No. 5 be concurred in (69-11).

That Senate Bill No. 9 be amended by reinstating the material on page 11, line 7 through page 12, line 7 of the Third Reading bill. (63-3)

And further amend by reinstating the material on page 21, line 25 through page 22, line 13 of the Third Reading bill. (65-3)

And further amend by reinstating the material on page 46, line 23 through page 47, line 25 of the Third Reading bill. (61-1)

And as amended, be concurred in. (55-27)

That Senate Bill No. 32 be concurred in. (70-0)

That the Committee rise and report.

(Material brackets denotes cancelled type.)

GREELY, Chairman

Report adopted.

Feb 20



February 20, 1973

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly engrossed: House Bill No. 132.

QUILICI, Chairman

February 20, 1973

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills considered correctly engrossed: House Bills Nos. 445, 538, 555.

QUILICI, Chairman

## MOTIONS AND RESOLUTIONS

Fasbender moved that the Conference Committee on Senate Bill No. 17 be dissolved and that the Speaker appoint a new committee to meet with the Senate.

Motion carried.

The Speaker appointed the following Conference Committee on Senate Bill No. 17: Hall, chairman; Kosena, Lucas.

Fasbender moved that the House adjourn until 1:30 p.m., February 21, 1973.

Motion carried.

House adjourned.

HAROLD E. GERKE, Speaker

ED SMITH, Chief Clerk.

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## FORTY-FIFTH LEGISLATIVE DAY

House of Representatives
Helena, Montana

February 21, 1973

House convened, pursuant to adjournment, at 1:30 p.m.

Mr. Speaker in the Chair.

Invocation by the Chaplain and Pledge of Allegiance to the Flag by the assembly.

On roll call all members were present except Haines, Laas, and Bell, excused.

Quorum present.

Mr. Speaker: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-Fourth Legislative Day, find the same to be correct.

QUILICI, Chairman

## REPORTS OF STANDING COMMITTEES

February 21, 1973

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly printed: House Bills Nos. 448 and 530.

QUILICI, Chairman

February 21, 1973

3rd Reading



Kosena, Kvaalen, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Seifert, Selstad, Shelden, Smith, Staigmiller, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 90.

Noes: None.

Excused: Bell, Haines, Laas. Total 3.

Absent or not voting: Burnett, East, Galt, Lockrem, McKittrick, Schye, Stephens. Total 7.

Senate Bill No. 5 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kendall, Kimble, Kolstad, Kosena, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Norman, Quilici, Regan, Roberts, Rolfe, Seifert, Shelden, Staigmiller, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 79.

Noes: East, Ellerd, Hubing, Jones, Kessner, Kvaalen, Mercer, Olson, Prevost, Schepens, Schye, Selstad, Smith. Total 13.

Excused: Bell, Haines, Laas. Total 3.

Absent or not voting: Burnett, Galt, Holtz, Lockrem, Stephens. Total 5.

Senate Bill No. 9 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Barrett, Baucus, Bradley, Brand, Brown, Castles, Clemow, Colberg, Cotton, Driscoll, Edland, Fasbender, Fleming, Flynn, Forsgren, Greely, Gunderson, Hageman, Hall, Halvorson, R. Harper, Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kendall, Kessner, Kimble, Lee, Lombardi, Lund, Lynch, McKittrick, Manuel, Marbut, Mehrens, Menahan, Murphy, Nichols, Norman, Quilici, Regan, Roberts, Rolfe, Schye, Seifert, Shelden, Staigmiller, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Walborn, Warfield, Watt, Yardley, Mr. Speaker. Total 65.

Noes: Asbjornson, Campbell, Cox, East, Ellerd, Fagg, Glennen, Hager, Holtz, Hubing, Jones, Kolstad, Kosena, Kvaalen, Lien, Lucas, Mercer, Olson, Prevost, Schepens, Selstad, Smith, Ulmer. Total 23.

Excused: Bell, Haines, Laas. Total 3.

Absent or not voting: Bennetts, Burnett, Galt, H. Harper, Lockrem, Lundgren, Marks, Stephens, Zimmer. Total 9.

Senate Bill No. 32 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Baucus, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Smith, Staigmiller, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 91.

FEB 21



Noes: None.

Excused: Bell, Haines, Laas. Total 3.

Absent or not voting: Bardanouve, Burnett, Fleming, Lockrem, Regan, Stephens. Total 6.

## THIRD READING OF HOUSE BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

Bardanouve moved that House Bill No. 127 be amended on the Third Reading Bill by inserting the following words at page 9, line 22, after the figure "($300,000,000).":

"It is the intent of the legislature that the revenues derived from the filing fee be used by the department in compiling the information required for rendering a decision on a certificate and for carrying out its other responsibilities under this act; (91-0)

Further amend on page 27, line 21, by striking the word "[substance]" and inserting in lieu thereof the word "substances". (91-0)

Motion carried.

(Material in brackets denotes cancelled type.)

House Bill No. 127 was passed by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Barrett, Baucus, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Smith, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 93.

Noes: None.

Excused: Bell, Haines, Laas. Total 3.

Absent or not voting: Asbjornson, Burnett, Jones, Lundgren. Total 4.

## MOTIONS AND RESOLUTIONS

Fasbender, having voted on the prevailing side, moved that the House reconsider its action on passing Senate Bill No. 174 on Third Reading this day.

Motion carried.

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

February 21, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Joint Resolutions were this day read three times at length and concurred, title and history agreed to and the said resolutions are herewith returned to the Senate:

Senate Joint Resolution No. 12 introduced by Himsl, Bertsche, et al

Senate Joint Resolution No. 15 introduced by Mathers, Bertsche, Thiessen

Senate Joint Resolution No. 20 introduced by McKeon

Senate Joint Resolution No. 17 introduced by McOmber, DeWolfe, et al

Respectfully,
ED SMITH
Chief Clerk

February 21, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Bills were this day read three times at length and concurred in as amended, title and history agreed to and the said bills are herewith returned to the Senate for concurrence in House amendments:

Senate Bill No. 12 introduced by Moore, Lynch, (by request)

Senate Bill No. 5 introduced by Lynch, Moore (by request)

Senate Bill No. 32 introduced by Lynch, Moore (by request)

Senate Bill No. 9 introduced by Lynch, Moore (by request)

Respectfully,
ED SMITH
Chief Clerk

February 21, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Bills were this day read three times at length and concurred in, title and history agreed to and the said bills are herewith returned to the Senate:

Senate Bill No. 288 introduced by Bertsche, Mathers, et al

Senate Bill No. 285 introduced by Hazelbaker

Senate Bill No. 287 introduced by Hazelbaker

Senate Bill No. 286 introduced by Hazelbaker

Senate Bill No. 236 introduced by Hazelbaker

Senate Bill No. 210 introduced by James

Senate Bill No. 204 introduced by Hazelbaker, Deschamps

Senate Bill No. 185 introduced by McKeon

Senate Bill No. 184 introduced by Nees, Bollinger, et al

Senate Bill No. 176 introduced by Hall, Gilfeather, et al



Senate Bill No. 166 introduced by McKeon

Senate Bill No. 157 introduced by Drake, Lowe, et al

Senate Bill No. 149 introduced by McKeon

Senate Bill No. 155 introduced by Drake, Bennett, et al

Senate Bill No. 71 introduced by Moore, McNamer

Senate Bill No. 73 introduced by Drake

Senate Bill No. 146 introduced by Devine, Hall, McDonald

Respectfully,
ED SMITH
Chief Clerk

February 21, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Bill was this day on Committee report, not concurred in, report adopted, and the bill is herewith returned to the Senate:

Senate Bill No. 348 introduced by Bollinger, Zody

Respectfully,
ED SMITH
Chief Clerk

## MOTIONS AND RESOLUTIONS

The following Senate Resolutions were received and read:

Senate Resolution No. 16

Introduced by Bennett, Harrison, Shea, Thiessen

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA TO ENDORSE AND RESPECTFULLY HONOR THE WORK OF THE FOSTER GRANDPARENT PROGRAM IN THE STATE OF MONTANA.

WHEREAS, foster grandparent programs have been instituted in Lewis and Clark, Jefferson, Silver Bow and Dawson Counties, and

WHEREAS, the nature of the foster grandparent program is to aid in the care of the mentally retarded child within the state of Montana, and

WHEREAS, it is an opportune time that the people of Montana, through their legislative representatives, honor and thank these foster grandparents for their efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the participants in the foster grandparent program be thanked for their unceasing efforts to aid and help care for the mentally retarded children of Montana, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the office of the governor and to the Montana congressional delegation.

Referred to Committee on Public Health, Welfare & Safety.

Senate Resolution No. 17

Introduced by McDonald, Lynch, Klindt, Moore

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DIRECTING THE LEGISLATIVE COUNCIL

Noes: Groff. Total 1.

Absent and not voting: None.

Excused: Drake, Hazelbaker. Total 2.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Broeder in the Chair. Committee arose.

Senate resumed. President Christiansen presiding

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That House Bill No. 18 be concurred in. Opposed by Bollinger, Breeden, Carl, Flynn, Gilfeather, Goodheart, Hall, Harrison, Himsl, Klindt, McCallum, McGowan, McKeon, McOmber, Moore, Moritz, Northey, Shea, Siderius, Turnage.

That consideration of House Bill No. 22 be passed. Unanimously passed.

That consideration of House Bill No. 63 be passed. Unanimously passed.

That House Bill No. 107 be concurred in. Unanimously concurred in.

That House Bill No. 130 be concurred in. Opposed by Groff.

That House Bill No. 148 be concurred in. Unanimously concurred in.

That House Bill No. 150 be concurred in. Unanimously concurred in.

That consideration of House Bill No. 170 be passed. Unanimously passed.

That House Bill No. 174 be concurred in. Unanimously concurred in.

That House Bill No. 215 be concurred in. Unanimously concurred in.

That House Bill No. 216 be Indefinitely Postponed. Opposed by Gilfeather, Goodheart, Graham, McCallum, McGowan, McOmber, Siderius.

That House Bill No. 269 be concurred in. Unanimously concurred in.

That House Bill No. 325 be concurred in. Unanimously concurred in.

That House Bill No. 362 be concurred in. Unanimously concurred in.

That House Bill No 416 be concurred in. Unanimously concurred in.

That House Bill No. 491 be concurred in. Opposed by Shea.

That House Joint Resolution No. 27 be concurred in. Opposed by Bennett, Breeden, Carl, Cochrane, Darrow, Klindt, Lowe, Mathers, McNamer, Moore, Northey.

That House Amendments to Senate Bill No. 5 be not concurred in. Unanimously concurred in.

That House Amendments to Senate Bill No. 9 be concurred in. Opposed by Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Goodheart,



James, Klindt, Lowe, Mathers, McGowan, McNamer, Moritz, Nees, Sorensen, Story, Thiessen, Turnage.

That House Amendments to Senate Bill No. 12 be not concurred in. Unanimously concurred in.

That House Amendments to Senate Bill No. 32 be concurred in. Unanimously concurred in.

That House Amendments to Senate Joint Resolution No. 22 concurred in. Unanimously concurred in.

That the Committee rise and report.

BROEDER, Chairman

Motion was made by Senator Broeder for adoption of the Committee of the Whole report.

Substitute motion was made by Senator Gilfeather that House Bill No. 18 segregated from the Committee of the Whole report. Motion failed.

Motion was made by Senator Broeder that the Committee of the Whole report be adopted. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

## MOTIONS AND RESOLUTIONS

Upon motion of Senator James, duly carried, that House Bill No. 22 be taken from Second Reading and rereferred to the Committee on State Administration.

On motion of Senator Lynch, duly carried, the President was authorized to appoint a Conference Committee of three members to meet with a like committee from the House to confer on House Amendments to Senate Bill No 5.

The President appointed the following committee:

Gilfeather, Chairman

Groff

Harrison

On motion of Senator Lynch, duly carried, the President was authorized to appoint a Conference Committee of three members to meet with a like committee from the House to confer on House Amendments to Senate Bill No. 12.

The President appointed the following committee:

McDonald, Chairman

Goodheart

McNamer

Upon motion of Senator Lynch, duly carried, the Senate adjourned at 4:55 p.m. until the hour of 1:30 p.m., Friday, February 23, 1973.

BILL CHRISTIANSEN
President of the Senate

WALTER H. MARSHALL
Secretary

3rd Reading



House Joint Resolution No. 27, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Himsl, James, Jensen, Keenan, Lynch, Manning, McCallum, McDonald, McGowan, McOmber, Moritz, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 36.

Noes: Carl, Cochrane, Darrow, Hazelbaker, Klindt, Lowe, Mathers, Moore, Northey, Rosell. Total 10.

Absent and not voting: McKeon, Nees. Total 2.

Excused: Drake, McNamer. Total 2.

House Bill No. 491, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Graham, Groff, Hall, Harrison, Hazelbaker, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Siderius, Sorenson, Thiessen, Zody. Total 41.

Noes: Goodheart, Himsl, James, Shea, Story, Turnage, Vainio. Total 7.

Absent and not voting: None.

Excused: Drake, McNamer. Total 2.

House Amendments to Senate Bill No. 9, having been read several times, were concurred in by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, Jensen, Keenan, Lowe, Lynch, McDonald, McGowan, McKeon, McOmber, Moore, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Vainio, Zody. Total 37.

Noes: Aber, Breeden, Klindt, Manning, Mathers, Moritz, Story, Thiessen, Turnage. Total 9.

Absent and not voting: James, McCallum. Total 2.

Excused: Drake, McNamer. Total 2.

House Amendments to Senate Bill No. 32, having been read several times, were concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 46.

Noes: None.

Absent and not voting: Gilfeather, McKeon. Total 2.

Excused: Drake, McNamer. Total 2.

House Amendments to Senate Joint Resolution No. 22, having been read several times, were concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 47.

Noes: None.

Absent and not voting: Nees. Total 1.

Excused: Drake, McNamer. Total 2.



At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communication from the House was received and read:

February 23, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the Joint Senate and House Conference Committee Report on House Amendments to Senate Bill No. 17 was adopted on roll call vote this day.

Respectfully,
ED SMITH
Chief Clerk

## MOTIONS AND RESOLUTIONS

Upon motion of Senator Turnage, duly carried, that House Bill No. 332 be taken from Second Reading and be rereferred to the Committee on Taxation.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator James in the Chair. Committee arose.

Senate resumed. President Christiansen presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That House Bill No. 63 be amended by striking Senate Committee on Judiciary amendments dated February 21, 1973, in their entirety as follows:

Amend the title of the printed and Blue House Bill on line 8, after the word "noncancellation" by inserting the words "or nonrenewal";

Amend in Section 1, Subsection (g), page 4, line 22 of the Blue House Bill after the word "termination" and before the word "or" by inserting the words and punctuation "refusal to renew,";

And as so amended, be concurred in. Unanimously concurred in.

That House Bill No. 170 be concurred in. Unanimously concurred in.

That House Bill No. 9 be concurred in. Unanimously

2-24-1973



House Bill No. 416, introduced by Murphy

House Bill No. 491, introduced by Roberts and R. Harper

Respectfully yours,
WALTER H. MARSHALL
Secretary of the Senate

February 23, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to Senate Bills Nos. 9 and 32 and Senate Joint Resolution No. 22.

Respectfully yours,
WALTER H. MARSHALL
Secretary of the Senate

February 23, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills and House Joint Resolution were this day read three several times and concurred in, title and history agreed to, and the bills are herewith returned to the House:

House Bill No. 130, introduced by Zimmer and Marks

House Bill No. 148, introduced by Hager (by request)

House Bill No. 150, introduced by Staigmiller (by request), Lien, et al

House Bill No. 215, introduced by Kolstad, Aageson, et al

House Bill No. 269, introduced by Bell and Gunderson

House Bill No. 325, introduced by Lien, Gunderson, et al

House Joint Resolution No. 27, introduced by Stoltz, Gunderson, et al

Respectfully yours,
WALTER H. MARSHALL
Secretary of the Senate

February 23, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for nonconcurrence by Committee Reports, reports adopted on roll call vote, and the bills are herewith returned to the House.

House Bill No. 185, introduced by Gunderson

House Bill No. 479, introduced by Hager

Respectfully yours,
WALTER H. MARSHALL
Secretary of the Senate

February 22, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 216 was this day recommended by the Commmittee of the Whole



to be indefinitely postponed, report adopted, the bill is herewith returned to the House.

Respectfully yours,
WALTER H. MARSHALL
Secretary of the Senate

## FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time and referred to committee:

House Bill No. 586, introduced by Bardanouve, Kosena: A bill for an act entitled: "An act to amend Section 28-109, R.C.M. 1947, providing for an increase in fire protection and suppression fees paid by owners of classified forest land from not more than ten cents (10¢) per acre to not more than twenty-five cents (25¢) per acre for Class I lands and from not more than three cents (3¢) per acre to not more than ten cents (10¢) per acre for Class II lands." Referred to Committee on Taxation.

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

Motion carried.

Kimble in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Amendments to House Bill No. 209 be concurred in (67-0).

That Senate Amendments to House Bill No. 229 be moved below Senate Amendments to House Bill No. 484.

That Senate Amendments to House Bill No. 308 be concurred in (66-0).

That Senate Amendments to House Bill No. 431 be not concurred in (61-13).

That Senate Amendments to House Bill No. 89 be concurred in (77-0).

That Senate Amendments to House Bill No. 129 be passed for the day.

That Senate Amendments to House Bill No. 272 be concurred in (74-0).

That Senate Amendments to House Bill No. 484 be not concurred in (63-16).

That Senate Amendments to House Bill No. 229 be passed for the day.

That Senate Bill No. 200 be concurred in (76-0).

That Senate Bill No. 258 be concurred in (77-4).

That Senate Bill No. 259 be concurred in (75-0).

That Senate Joint Resolution No. 10 be passed to the bottom of the board.

That the Committee rise and report and beg leave to sit again.

Report adopted.

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Graham, Groff, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, Moore, Moritz, Northey, Rosell, Sorensen, Story, Turnage, Vainio, Zody. Total 33.

Noes: Bertsche, Bollinger, Flynn, Gilfeather, Goodheart, Hall, McOmber, Nees, Shea, Siderius, Thiessen. Total 11.

Absent and not voting: None.

Excused: Drake. Total 1.

The President Pro Tempore signed the following bills in open session, titles first been read:

House Bills Nos. 11, 59, 70, 114, 172, 182, 215, 376, 380, and 382.

Mr. President: We, your Committee on Enrolled Bills, to whom were referred: Senate Bills Nos. 32, 43, 73, 78, 98, 100, 222, 234, 357, 384, 402, 417, and Senate Joint Resolution No. 26 beg leave to report the same back correctly enrolled and duly verified.

DE WOLFE, Chairman

Report adopted.

I have examined Senate Bill No. 32 introduced by me and find the same to be correct.

LYNCH

I have examined Senate Bill No. 43 introduced by me and find the same to be correct.

CARL

I have examined Senate Bill No. 73 introduced by me and find the same to be correct.

MOORE

I have examined Senate Bill No. 78 introduced by me and find the same to be correct.

ZODY

I have examined Senate Bill No. 98 introduced by me and find the same to be correct.

MC DONALD

I have examined Senate Bill No. 100 introduced by me and find the same to be correct.

LYNCH

I have examined Senate Bill No. 222 introduced by me and find the same to be correct.

TURNAGE

I have examined Senate Bill No. 234 introduced by me and find the same to be correct.

TURNAGE

I have examined Senate Bill No. 357 introduced by me and find the same to be correct.

TURNAGE

I have examined Senate Bill No. 384 introduced by me and find the same to be correct.

BROEDER

Feb 27



I have examined Senate Bill No. 402 introduced by me and find the same to be correct.

LYNCH

I have examined Senate Bill No. 417 introduced by me and find the same to be correct.

HARRISON

I have examined Senate Joint Resolution No. 26 introduced by me and find the same to be correct.

MC OMBER

The President Pro Tempore signed the following bills in open session, the titles having first been read:

Senate Bills Nos. 32, 43, 73, 78, 98, 100, 222, 234, 357, 384, 402, 417 and Senate Joint Resolution No. 26.

Mr. President: We, your Committee on Business and Industry, having had under consideration House Bill No. 121 respectfully report as follows: That House Bill No. 121 be not concurred in.

DE WOLFE, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Harrison, Hazelbaker, Himsl, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McNamer, Moore, Moritz, Northey, Rosell, Story, Turnage, Vainio, Zody. Total 33.

Noes: Bollinger, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, James, Jensen, McKeon, McOmber, Nees, Shea, Siderius, Sorensen, Thiessen. Total 16.

Absent and not voting: None.

Excused: Drake. Total 1.

Mr. President: We, your Committee on Business and Industry, having had under consideration House Bill No. 251 respectfully report as follows: That House Bill No. 251 be not concurred in.

DE WOLFE, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorensen, Turnage, Vainio. Total 44.

Noes: Rosell, Story. Total 2.

Absent and not voting: Harrison, Thiessen, Zody. Total 3.

Excused: Drake. Total 1.

Mr. President: We, your Committee on Business and Industry, having had under consideration House Bill No. 512, respectfully report as follows: That House Bill No. 512 be not concurred in.

DE WOLFE, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather,

Noes: Aageson, Asbjornson, Baeth, Barrett, Bell, Brand, Brown, Campbell, Clemow, Cotton, Driscoll, East, Edland, Ellerd, Fleming, Flynn, Forsgren, Galt, Glennen, Hager, H. Harper, R. Harper, Healy, Holtz, Hubing, Huennekens, Johnston, Jones, Kendall, Kessner, Kolstad, Kosena, Laas, Lee, Lien, Lombardi, Lund, Lundgren, Lynch, Manuel, Marks, Mehrens, Menahan, Nichols, Olson, Prevost, Quilici, Regan, Rolfe, Schepens, Selstad, Shelden, Smith, Towe, Turner, Ulmer, Walborn, Warfield, Yardley. Total 59.

Excused: Stephens. Total 1.

Absent or Not Voting: Burnett, Greely, Halvorson, Lockrem, Lucas, Mr. Speaker. Total 6.

Thereupon, the majority committee report was adopted.

The Speaker signed in open session Senate Bills Nos. 6, 9, 50, 57, 59, 63, 90, 95, 105, 116, 117, 118, 119, 120, 150, 160, 186, 193, 221, 224, 225, 232, 270, 291, 98, 78, 73, 43, 32 and Senate Joint Resolutions Nos. 19, 22, 40 and 26, and Senate Bills Nos. 297, 307, 321, 323, 324, 329, 334, 372, 390, 424, 417, 402, 384, 357, 234, 222 and 100.

February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Joint Resolution No. 28, respectfully report as follows: That Senate Joint Resolution No. 28 be concurred in.

LAAS, Chairman

Report adopted.

February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Bill No. 370, respectfully report as follows: That Senate Bill No. 370 be concurred in.

LAAS, Chairman

Report adopted.

February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Bill No. 365, respectfully report as follows: That Senate Bill No. 365 be concurred in.

LAAS, Chairman

Report adopted.

February 28, 1973

Mr. Speaker: We your Committee on Highways and Transportation, having had under consideration Senate Bill No. 369, respectfully report as follows: That Senate Bill No. 369 be amended on page 2, section 1, line 3 through 5, of the Senate Third Reading Bill, by reinstating all the following deleted material: "A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this act."

And as amended, be concurred in.

LAAS, Chairman

Report adopted.

February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Bill No. 380, respectfully report as follows: That Senate Bill No. 380 be concurred in.

LAAS, Chairman

Report adopted.



February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Bill No. 362, respectfully report as follows: That Senate Bill No. 362 be amended on page 4, section 1, beginning on line 23, of the Senate Third Reading Bill, by inserting a new subsection 4 to read as follows:

"(4) All construction, reconstruction, maintenance and repair authorized herein shall be pursuant to the design and subject to the supervision of the state highway commission, and all funds hereby allocated to counties, cities and towns shall be disbursed by the state highway commission to the lowest responsible bidder according to the bidding procedures specified in Chapter 41, Title 32 of this code except that not more than seven thousand five hundred dollars ($7,500) of the funds allocated each fiscal year to any county, incorporated city and town may be expended without being submitted to bids."

And be further amended to renumber all subsequent subsections to conform numerically,

And as amended, be concurred in.

LAAS, Chairman

Report adopted.

February 28, 1973

Mr. Speaker: We, your Committee on Highways and Transportation, having had under consideration Senate Bill No. 97, respectfully report as follows: That Senate Bill No. 97 be not concurred in.

LAAS, Chairman

Watt moved, as a substitute motion, that Senate Bill No. 97 be printed and placed on Second Reading. Watt requested a roll call vote with the Ayes and Nays spread on the Journal. Sufficient seconds arose.

Ellerd moved the previous question. Motion carried.

The substitute motion failed by the following vote:

Ayes: Ainsworth, Bardanouve, Baucus, Bell, Colberg, Driscoll, Fasbender, Flynn, Glennen, Greely, Hageman, Hager, Haines, Hall, H. Harper, Holmes, Holtz, Kendall, Kimble, Marbut, Mehrens, Menahan, Norman, Quilici, Regan, Stoltz, Swanberg, Turman, Turner, Watt, Yardley. Total 31.

Noes: Aageson, Asbjornson, Baeth, Barrett, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Clemow, Cotton, Cox, East, Edland, Ellerd, Fagg, Fleming, Forsgren, Galt, Gunderson, Halvorson, R. Harper, Healy, Hodges, Hubing, Jacobsen, Johnston, Jones, Kessner, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marks, Mercer, Murphy, Nichols, Olson, Prevost, Roberts, Rolfe, Schepens, Seifert, Selstad, Shelden, Smith, Staigmiller, Tierney, Towe, Ulmer, Walborn, Warfield, Zimmer, Mr. Speaker. Total 66.

Excused: Stephens. Total 1.

Absent or Not Voting: Huennekens, Schye. Total 2.

Thereupon, the committee report was adopted by the following vote:

Ayes: Aageson, Asbjornson, Baeth, Bardanouve, Barrett, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, East, Edland, Ellerd, Fagg, Fleming, Galt, Glennen, Gunderson, Hageman, Halvorson, Forsgren, R. Harper, Healy, Hodges, Hubing, Jacobsen, Johnston, Jones, Kessner, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Olson, Prevost, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Smith, Staigmiller, Tierney, Towe, Ulmer, Walborn, Warfield, [illegible]

Excused: Drake, Graham, Northey. Total 3.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

## BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Moore in the Chair. Committee arose.

Senate resumed. President Pro Tempore Thiessen presiding.

The Committee of the Whole submitted the following report:

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That House Bill No. 85 be concurred in. Unanimously concurred in.

That House Bill No. 143 be concurred in. Unanimously concurred in.

That House Bill No. 236 be concurred in. Unanimously concurred in.

Senator Moore relinquished the chair to Senator McDonald.

That House Bill No. 238 be concurred in. Unanimously concurred in.

Senator Moore resumed the chair.

That House Bill No. 244 be concurred in. Unanimously concurred in.

That consideration of House Bill No. 275 be passed. Unanimously passed.

That House Bill No. 288 be concurred in. Unanimously concurred in.

That House Bill No. 304 be concurred in. Opposed by Bertsche, Bollinger, Deschamps, DeWolfe, Goodheart, Jensen, Keenan, McCallum, McDonald, McGowan, McKeon, McOmber, Moritz, Nees, Siderius, Sorensen.

That House Bill No. 333 be concurred in. Unanimously concurred in.

That House Bill No. 367 be concurred in. Unanimously concurred in.

That consideration of House Bill No. 402 be passed. Opposed by Bollinger, Boylan, Gilfeather, Goodheart, Groff, Lynch, McGowan, McKeon, McOmber, Siderius, Thiessen.

That House Bill No. 417 be concurred in. Unanimously concurred in.

That House Bill No. 469 be amended in Section 1, page 1, lines 13 and 14 by striking the words "LAW ENFORCEMENT AND PUBLIC SAFETY" and inserting in lieu thereof the word "JUSTICE". And as so amended, be concurred in. Opposed by Klindt, McDonald, McKeon, McOmber, Rosell, Story, Vainio.

That House Bill No. 502 be concurred in. Opposed by Aber, Breeden, Jensen, Klindt, McNamer, McOmber, Moore, Story.

That the Committee rise and report.

MOORE, Chairman

Upon motion of Senator Moore, duly carried, the foregoing report of the Committee of the Whole was adopted.



At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

## REPORTS OF STANDING COMMITTEES

The following committees submitted the following committee reports:

At the request of the President, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

EXECUTIVE REORGANIZATION: Senate Bills Nos. 87, 396.

TAXATION: House Bill No. 58.

STATE ADMINISTRATION: House Bill No. 439.

EDUCATION: House Bills Nos. 109, 125, 396, 466, 549.

PUBLIC HEALTH, WELFARE & SAFETY: House Bills Nos. 112, 468 and House Joint Resolutions Nos. 18, 37.

NATURAL RESOURCES: House Joint Resolution No. 33.

AGRICULTURE, LIVESTOCK & IRRIGATION: House Bill No. 168.

HIGHWAYS & TRANSPORTATION: House Bill No. 177.

BUSINESS & INDUSTRY: House Bills Nos. 278, 394.

FISH & GAME: House Bill No. 286.

JUDICIARY: House Bills Nos. 341, 366, 419, 520.

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 122 beg leave to report the same back correctly enrolled and duly verified.

Report adopted. DE WOLFE, Chairman

I have examined Senate Bill No. 122 introduced by me and find the same to be correct.

MC KEON

The President Pro Tempore signed the following bill in open session, the title having first been read: Senate Bill No. 122.

Mr. President: We, your Committee on Bills, to whom were referred Senate Bills Nos. 118, 95, 119, 222, 357, 384, 417, 98, 234, 100, 402, 73, 78, 82, 321, 150, 63, 224, 225, 9, 6, 424, 297, 105, 291, 324, 390, 323, 120, 221, 232, 117, 334, 50, 372, 186, 160, 193, 270, 116, 329, 57, 90, 307 and Senate Joint Resolutions Nos. 19, 26, 40 and 22 do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 3:40 o'clock, P.M., delivered to the Governor for his approval.

Report adopted. DE WOLFE, Chairman

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communications from the House were received and read:

Dear Mr. President: February 28, 1973

I am directed by the House of Representatives to inform your Honorable Body that the Speaker appointed the following

consideration House Bill No. 530, respectfully report as follows: That House Bill No. 530 be not concurred in.

NEES, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, McCallum, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Story, Turnage, Vainio, Zody. Total 39.

Noes: None.

Absent and not voting: Bertsche, Bollinger, Deschamps, Mathers, McNamer, Siderius, Sorenson, Thiessen. Total 8.

Excused: Carl, Drake, Hall. Total 3.

At the request of the President, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

LONG RANGE BUILDING: Senate Bills Nos. 54 and 350

TAXATION: Senate Bill No. 72

PUBLIC HEALTH, WELFARE, AND SAFETY: House Bill No. 50

JUDICIARY: House Bill No. 463

## REPORTS OF SELECT COMMITTEES

March 3, 1973

Mr. President and Speaker of the House:

We, your Joint Senate and House Free Conference Committee on House Bill No. 5, beg leave to report as follows:

That we met this day and considered Senate Committee on Constitution, Elections and Federal Relations Amendments dated February 24, 1973, to House Bill No. 5 and recommend as follows:

That the Senate recede from the Senate amendments,

And further that Section 1 of House Bill No. 5 be amended to read as follows: On page 1, line 11 House Third Reading Bill, by adding the material "lieutenant governor,",

And further amend by deleting all of the material in the House Third Reading Bill beginning on page 1, line 16 through the end of the bill and inserting in lieu thereof the following new material: "(2) when a written declaration, made as hereinafter provided, is transmitted to the legislature, that any such officer is unable to discharge the powers and duties of this office, the legislature may convene in the manner provided for the convening of special sessions to determine whether such disability exists, or it may defer such determination to the next regular session of the legislature.

(3) If the legislature, within twenty one (21) days after convening, whether in regular or special session, determines by two-thirds (2/3) vote of its members that such officer is unable to discharge the powers and duties of his office, this office shall be declared to be vacant and shall be filled as provided by the Constitution of the State of Montana or laws enacted pursuant thereto.



(4) The written declaration required hereunder shall be made and transmitted by the lieutenant governor and attorney general unless one of them is the officer whose disability is in question. If the lieutenant governor is the subject of the declaration, the declaration shall be made by the governor and attorney general; if the attorney general is the subject of the declaration, the declaration shall be made by the governor and secretary of state.

And that as so amended, House Bill No. 5 be adopted.

For the Senate: BERTSCHE
JAMES
ROSELL

For the House: HALL
ROBERTS
AINSWORTH

Senator James moved for adoption of the Joint Free Conference Committee Report. The report was adopted by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Harrison, Hazelbaker, Himsl, James, Jensen, Kennan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 43.

Noes: None.

Absent and not voting: Boylan, Deschamps, McCallum, McGowan. Total 4.

Excused: Carl, Drake, Hall. Total 3.

## MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

March 5, 1973

Honorable Bill Christiansen
President of the Senate
State Capitol
Helena, Montana

Dear Mr. President:

I have the honor to inform you that I have this day approved the following measures:

Senate Bills Nos. 6, 9, 32, 50, 57, 59, 63, 73, 78, 90. 98, 100, 105, 116, 118, 119, 120, 150, 160, 186, 193, 221, 222, 224, 225, 232, 234, 270, 291, 297, 307, 321, 323, 324, 329, 334, 357, 372, 384, 390, 402, 417, and 424.

Senate Joint Resolutions Nos. 19, 22, 26, and 40.

Sincerely,

THOMAS L. JUDGE
Governor

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communications from the House were received and read

# Laws and Resolutions

OF THE

# STATE OF MONTANA

PASSED BY THE

## Forty-third Legislative Assembly

## In Regular and Special Session

**Held at Helena, the Seat of Government of Said State,**

**First Regular Session**

**January 1, 1973 to March 10, 1973**

**Special Session**

**March 12, 1973 to March 24, 1973**

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**PUBLISHED BY AUTHORITY**

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Section 37. Section 94-35-106.2, R.C.M. 1947, is amended to read as follows:

"94-35-106.2. **Possession of beer or liquor by minor—misdemeanor.** Any person who shall not have reached the age of *eighteen (18)* years and who shall have in his or her possession beer or liquor, shall be guilty of a misdemeanor."

Approved: March 6, 1973.

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## CHAPTER NO. 95

An Act Creating a Judicial Standards Commission and Specifying the Composition and the Qualifications of the Members in Compliance with Article VII, Section 11 of the 1972 Montana Constitution.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. There is created a judicial standards commission consisting of five (5) members as follows:

(1) two (2) district court judges, from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the supreme court and the two (2) so elected certified as to such election by the chief justice of the supreme court which for the purpose of the language of this act shall be considered as an appointment.

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by the supreme court.

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor.

Section 2. (1) The first appointments made under this act are as follows:

(a) the supreme caourt shall designate by certificate of the chief justice one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and

(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.

(2) Thereafter, all terms shall be for four (4) years.

Section 3. (1) Commission membership terminates if a member ceases to hold the position that qualified him for appointment.

(2) In the event a vacancy occurs on the commission, the appointing authority of the vacated seat shall designate a successor.

Section 4. A commission member is not entitled to compensation for his services but is entitled to actual expenses incurred in the performance of his duties.

Section 5. (1) The commission, or any citizen of the state may upon good cause shown, initiate an investigation of any judicial officer in the state by filing a verified written complaint with the commission.

(2) The commission, after such investigation as it considers necessary and upon the finding of good cause, may:

(a) order a hearing to be held before it concerning the censure, suspension, removal or retirement of a judicial officer; or

(b) request the supreme court to appoint one (1) or more special masters, who are judges of courts of record, to hear and take evidence and to report to the commission.

(3) If after hearing or after considering the record and report of the masters, the commission finds the charges true, it shall recommend to the supreme court the censure, suspension, removal or retirement of the judicial officer.

Section 6. (1) All papers filed with, and proceedings before the commission or masters are confidential.

(2) The filing of papers with and the testimony given before the commission or masters is privileged communication.

(3) The commission shall make rules for the conduct of its affairs and provide for the confidentiality of its proceedings.

Section 7. (1) The supreme court shall review the record of the proceedings and shall make such determination as it finds just and proper and may:

(a) order censure, suspension, removal or retirement of a judicial officer; or

(b) wholly reject the recommendation.

Section 8. A judicial officer who is a member of the commission or of the supreme court shall not participate in any proceeding involving his own censure, suspension, removal, or retirement or that of a relative within the sixth degree of consanguinity or that of the spouse of such a relative.

Section 9. A judge is disqualified from acting as a judge, without loss of salary, while there is pending:

(1) an indictment or an information charging him with a crime punishable as a felony under Montana or federal law, or

(2) a formal proceeding before the commission for his removal or retirement.

Section 10. (1) On recommendation of the commission, the supreme court may suspend a judicial officer from office without salary when he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Montana or federal law, or of any other crime involving moral turpitude.

(2) If his conviction is reversed, suspension terminates, and he shall be paid his salary for the period of suspension.

(3) If he is suspended and his conviction becomes final, the supreme court shall remove him from office.

Section 11. (1) Upon an order for retirement, the judicial officer shall be retired with the same rights and privileges as if he retired pursuant to statute.

(2) Upon an order for removal, the judicial officer shall be removed from office and his salary shall cease from the date of the order. He shall be ineligible for any other judicial office and pending further order of the court is suspended from practicing law.

Approved: March 5, 1973.

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## CHAPTER NO. 96

An Act to Amend Section 82-2202, 82-2203, 82-2208, 82-2211 and 82-2212, R.C.M. 1947, to Transfer the Functions of the Secretary of State Relating to Printing and Distribution of the House and Senate Journals and Session Laws to the Legislative Services Division of the Legislative Council; Deleting from Section 82-2210, R.C.M. 1947, References to Sidenoting; Repealing Section 82-2204, R.C.M. 1947.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. Section 82-2202, R.C.M. 1947, is amended to read as follows:

"82-2202. **Duties of secretary of state.** In addition to the duties prescribed by the constitution, it is the duty of the secretary of state: